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THE BORDER-HISTORY OF ENGLAND AND SCOTLAND,

DEDUCED FROM THE EARLIEST TIMES TO THE UNION OF THE TWO CROWNS.

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COMPREHENDING

A particular DETAIL of the TRANSACTIONS of the TWO NATIONS with one another;

ACCOUNTS of remarkable ANTIQUITIES; and

A Variety of intereſting ANECDOTES of the moſt conſiderable FAMILIES and diſtinguiſhed CHARACTERS in both Kingdoms.

By the late

Mr. GEORGE RIDPATH, Miniſter of STITCHILL.

Reviſed and publiſhed

By the AUTHOR's Brother, Mr. PHILIP RIDPATH, Miniſter of HUTTON.

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TO HIS GRACE

THE DUKE OF

NORTHUMBERLAND.

MY LORD,

HAD my excellent brother lived to publiſh the following Work himſelf, I am perſuaded he would have ſheltered it under your Grace's patronage. He always expreſſed in the ſtrongeſt terms his gratitude for the affability and condeſcenſion that were ſhown him, when he did himſelf the honour ſometimes to wait on your Grace at Alnwick-Caſtle: and he has more than once obſerved to me, that the Duke of Northumberland would be in all reſpects the moſt proper Patron, to whom he could wiſh to dedicate theſe Annals.

AMONG the diſtinguiſhed Families on the Borders, the Houſe of PERCY will be allowed to have been one of the moſt eminent in either kingdom: and to whom could a Hiſtory of the BORDER-WARS with ſo much propriety be inſcribed, as to the preſent illuſtrious Repreſentative of that great Family? Permit me, therefore, with all humility, to lay the following pages at your Grace's feet, and to ſolicit for the labours

of my lamented brother, the favourable acceptance of the DUKE OF NORTHUMBERLAND.

INTERMIXED with the general Hiſtory of the two nations, your Grace will find many intereſting events, that peculiarly related to the PERCY Family. Indeed, for many ages, that martial race were ſo intimately concerned in all the great tranſactions of this country, that the following Annals are, in ſome meaſure, a regular Hiſtory of the EARLS of NORTHUMBERLAND, and form an almoſt continued narrative of the noble deeds and exalted characters of a Family, which being originally ſprung from Kings and Princes, hath ſince its ſettlement in Britain produced perhaps more heroes and illuſtrious men, than almoſt any other family in Europe.

THE contemplation of their great atchievements will however excite this reflection; that although the ancient ſcenes of turbulence and confuſion exhibited great abilities to view, and brought heroes and warriors upon the ſtage; yet it is only in times of ſecurity and quiet that mankind enjoy the comforts of life: and as the former Earls of Northumberland acted a moſt glorious part amidſt the ancient wars on the Borders; ſo your Grace is much more happily diſtinguiſhed for all the amiable and engaging qualities which poliſh and adorn a more tranquil period. To patroniſe ſcience, to promote agriculture, to clothe theſe naked and long neglected marches of the kingdom with extenſive woods and plantations; to reſtore, with their fallen ſeats and caſtles, the hoſpitality and magnificence of our ancient barons, has been reſerved for your Grace; and you will no

leſs

leſs be admired and revered in future ages, for theſe happier arts of peace, than your heroic predeceſſors for their martial talents.

THAT your Grace, and your moſt amiable and illuſtrious Conſort, may long adorn the exalted rank you ſo worthily poſſeſs; and continue to be juſtly celebrated, as the diſtinguiſhed patrons of learning, commerce, and of every elegant and uſeful art; and that your noble deſcendants may to the moſt diſtant ages tranſmit your honours, and following your examples, may ſtill add new luſtre to their high extraction, is the ſincere and ardent wiſh of,

MY LORD,

Your Grace's
Moſt obedient, and
Moſt devoted
Humble ſervant,

PHILIP RIDPATH.

PREFACE.

THE Borders of the united kingdoms of England and Scotland were, from their ſituation, the ſcenes of the military enterpriſes and exploits that happened betwixt the contending nations. They were likewiſe the ſcenes and objects of many a tranſaction of a civil nature; particularly, of the negociation and concluſion of a very great number of treaties of peace and truce. A regular narrative, ſupported by the beſt authorities, of the remarkable events exhibited upon the frontiers of the two kingdoms, is, in the following Work, offered to the Public.

The relations of the military tranſactions are compiled from the moſt authentic hiſtorians of England and Scotland, and all along connected with ſo much of the hiſtory of both nations, as ſeems neceſſary for underſtanding their circumſtances, cauſes, and conſequences; and for conveying to the reader, a knowledge of the characters of the principal perſons concerned in theſe ſcenes of ſtrife. Aware of the prejudices of the hiſtorians on both ſides, the Author has been upon his guard, and has endeavoured to conduct his narrative of the Border-Wars with the ſtricteſt impartiality. And indeed it required all his caution and prudence, qualities which he eminently poſſeſſed, to avoid giving offence to either people, and to ſteer with ſafety through ſo uncertain and difficult a period.

With regard to the civil tranſactions that happened upon the marches, the Author's account of them is chiefly taken from the valuable collection of archives publiſhed by Mr. Rymer. This collection contains a ſeries of treaties and original papers relating to the borders, many of which have been but imperfectly conſidered, and in various inſtances miſrepreſented, even by the more accurate and voluminous inquirers of both kingdoms, whoſe negligence in this reſpect ſeems to have ariſen from their attention to objects of a more general and intereſting nature. The above-mentioned treaties, and thoſe publiſhed by Dr. Nicholſon in his Border-Laws, the Author did therefore peruſe, with the greateſt care, and gives, it is hoped, a more accurate and better connected account of them than hath hitherto appeared; by which ſeveral miſtakes committed by the moſt exact compilers of the Scottiſh and Engliſh hiſtories are corrected, and many of their defects ſupplied.

The Author hath all along illuſtrated his narrative with notes, in which he has taken great pains to adjuſt dates and to remove doubts and difficulties;

and hath likewiſe enlivened them with anecdotes relating to remarkable perſons and antiquities, which could not with any propriety be received into the text. Theſe ſhort diſcuſſions and anecdotes, may probably appear to many readers, the moſt entertaining, and not the leaſt uſeful part of the work.

As the firſt intention of the Author was to publiſh the hiſtory and antiquities of Berwick *, and of the neighbouring country on the eaſtern border; it muſt be obſerved, that the original deſign had ſo far engroſſed his time and attention, that the events on the Eaſt Border are related more circumſtantially and at large than thoſe on the Weſt.

It is indeed to be regretted, that the Author did not live to give his finiſhing hand to his Work, and to publiſh it himſelf. But the Editor would fain hope, that the Border-Hiſtory partakes of fewer diſadvantages than moſt poſthumous performances; as it is the fruit of many years inceſſant application, and as the Author was ſcrupulouſly exact in executing every part of his laborious undertaking with all poſſible accuracy.

The Editor thinks himſelf obliged to inform the reader, that in the Author's MS. there was a gap of about twenty years of a very buſy period on the Borders, in Edward the Third's time, ſubſequent to that prince's coming to the North to beſiege Berwick. This deficiency the Editor was under a neceſſity of ſupplying, which he conſidered as a very difficult taſk; but fortunately diſcovered among the Author's papers, ſome notes that were of great uſe in filling it up. Some ſmaller omiſſions he has likewiſe ſupplied; and has added ſeveral notes for the illuſtration of the text where he thought they were wanted.

* The Author publiſhed, in 1764, propoſals for printing by ſubſcription, the Hiſtory and Antiquities of Berwick, and of the neighbouring country on each ſide of the eaſtern border of Scotland and England (by which he meant Berwickſhire, or the Mers, with ſome of the eaſtern and northern parts of Roxburghſhire, on the ſide of Scotland; and thoſe parts of Northumberland and the county of Durham, extending ſouthward as far as Bamborough and Alnwick, on the ſide of England): But he afterwards enlarged his plan, and compoſed the following extenſive work.

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THE

BORDER-HISTORY

OF

ENGLAND AND SCOTLAND.

BOOK I.

IT is agreed by the ableſt inquirers into the hiſtory of antiquities of Britain, that the firſt accounts of the iſland, that deſerve any credit, are given us by the Romans. Nor did theſe conquerors penetrate into the more northern parts of Britain, before the time of Julius Agricola, who commanded the Roman forces under the Emperor Veſpaſian. This illuſtrious general began his conqueſts, by ſubduing the warlike inhabitants of North-Wales, and the Iſle of Angleſey. He afterwards reduced the country north from Cheſhire to the Solway Frith; and from thence to the mouth of the Tyne erected a chain of forts, which were afterwards connected by the wall of Adrian, and contributed much to its ſtrength. In his third campaign, which was in the 80th year of the chriſtian æra, he entered the country which was afterwards called Scotland, and penetrated as far as the Frith of Tay *. He appears to have marched through the high country, which lies to the weſt of the Eaſtern Lowlands of Scotland; and at proper places in his progreſs erected forts, by means of which, he maintained, through winter, the ground he had gained in ſummer. His fourth campaign was employed in thoroughly ſubduing and ſecuring the countries to the ſouth of the Friths of Forth and Clyde; for which purpoſe he erected a chain of forts between theſe Friths, by means whereof, and the Friths themſelves, the Northern Britons were ſhut up as it were in another iſland †. It is probable that, by theſe conqueſts of Agricola, the people inhabiting the country which afterwards became the borders between Scotland and

A. D. 78. Tacit. Vit. Agric. c. 18, 21. &c. Horſley Br. Rom. p. 42.

Vit. Agric. c. 22.

A. D. 81. Tacit. Vit. Agric. c. 23.

* The words of Tacitus are, *Vaſtatis uſque ad Taum (æſtuario nomen eſt) nationibus* Some underſtand by *Taus*, Tweed; but if Tweed were meant, the name of *Eſtuary* or *Frith* would not be juſtly applied to it. Beſides, the account Tacitus gives of Agricola's employment in his fourth campaign, ſhews that he had penetrated in the former far beyond the Tweed.

† It is evident, from various unqueſtionable authorities, that many ancient writers conſidered this part of Scotland, as a diſtinct iſland, giving it the name of Hibernia or Ierne. See Goodall's learned Preface to the laſt edition of Fordun.

England; together with the adjacent provinces, betwixt the territories of the ancient Brigantes * on the ſouth, and the Friths of Forth and Clyde in the north; were brought into ſome degree of civilization, and firſt taught to abandon their rude and wandering life, in order to dwell in towns and fixed habitations. This great commander employed his three following campaigns, in exploring by his fleet the coaſts of Scotland and the adjacent iſles, and in proſperous, though difficult expeditions, againſt the brave
A. D. 85. Caledonians, the inhabitants of the country to the north of the Friths; and had not the jealous tyrant Domitian put a ſtop to his progreſs by a ſudden recall, Agricola would have probably had the glory of making a complete reduction and ſettlement of the whole iſland of Britain under the dominion of the Romans.

What Agricola had ſo nearly effected, doth not appear to have been farther purſued, either in the remainder of Domitian's reign, or in the ſucceeding ones of Nerva, Trajan, and Adrian. It is probable, that the terrible defeat given by Agricola to the Caledonians under Galgacus, was followed by ſuch weakneſs and conſternation, as prevented any formidable
A. D. 121. attacks upon the Roman province for a conſiderable time. But when Adrian made his progreſs into Britain about thirty-ſix years after, he either thought it ſo difficult to maintain the chain of forts which Agricola had erected between the Friths, or judged Northumberland and the ſouthern parts of Scotland to be of ſo little value, that leaving all that country open to the Barbarians, he raiſed the famous rampart of Turf 73 miles in length, from the Frith of Solway to near the mouth of Tyne, for the ſecurity of the ſouthern and more valuable parts of the iſland.

Spartian hiſt. Aug. p. 51.

About the beginning of Antoninus's reign, the northern Britons having invaded ſome part of the country adjacent to Adrian's rampart, and which ſtill continued under the protection of the Romans, they were repelled by Lollius Urbicus, and this general, in order to prevent the like incurſions, and to re-eſtabliſh the dominion of the Romans, in the country now called the South of Scotland †, erected an earthen rampart reſembling that of Adrian, along the tract between the Friths of Forth and Clyde, where Agricola had
A. D. 140. built his forts about ſixty years before. The geographer Ptolemy, who wrote in the reign of Antoninus, mentions ſeveral regions and towns, in his deſcription of the ſouthern part of the iſland. Of theſe Tueſis or Tuaſis is thought by ſome to have been the ancient Berwick upon Tweed, bearing that name in common with the river; but the ſituation of the place, as deſcribed by Ptolemy, is not conſiſtent with this opinion.

Capitolinus. Pauſan. in Arcad. Horſley Brit. Rom. 25th Scotiſh inſcription.

Gale's hiſt. Brit. Script. tom. 1. p. 738, 784.

Camden.

During the forty years that ſucceeded, wherein the two excellent princes Antoninus Pius and Marcus Aurelius governed the Roman empire, there is

Capitolinus.

* The Brigantes were the inhabitants of Yorkſhire, Lancaſhire, Weſtmoreland, and Cumberland: but the inhabitants of the Lowlands of Scotland were, before the Romans came thither, either dependents or vaſſals of the Brigantes; or at leaſt confederates with them, and of their race, having the ſame divinity for their particular patroneſs, as appears from the inſcription of an altar dug up in Scotland, and inſcribed to the goddeſs Briganta.

† Pauſanias, in his account of this matter, ſeems plainly to give the name of *Brigantes* to the inhabitants of the South of Scotland. Goodall's Preface to Fordun, c. 8.

only a general mention of a war with the barbarous nations in Britain, whoſe commotions were happily ſuppreſſed by Calpurnius Agricola. But Commodus, the degenerate ſon of the laſt named of theſe emperors, had not long held the reins of government, until Britain ſhared in thoſe diſorders that naturally aroſe throughout the dominions of ſo abandoned and diſſolute a monſter. A. D. 180.

The * Caledonians breaking through one or both of the walls deſtroyed the Roman army, ſlew their general, and committed terrible ravages in the province. Ulpius Marcellus, a man of ſuch eminent virtue and talents, that nothing but extreme neceſſity could have engaged Commodus to employ him, was ſent over into Britain to quell theſe diſorders; and his ſucceſs in this work was ſoon ſo complete, that, in conſequence of the defeats he gave the invaders, Commodus aſſumed the title of Britannicus; and the Roman part of the iſland, during the reſt of his reign, though diſturbed by ſome mutinous commotions of the ſoldiery, doth not appear to have ſuffered any more from the incurſions of the Barbarians. Dio. A. D. 183.

The diſſolute prætorian bands, dreading the ſevere diſcipline of Pertinax, the ſucceſſor of Commodus, put him to death, after he had reigned three months; and having expoſed the empire to ſale, found a purchaſer in Didius Julianus, whoſe riches were his only merit. The armies in the different provinces, incenſed at theſe proceedings, did, much about the ſame time, confer the dignity of Emperor on three different generals. Of theſe Septimius Severus prevailed over his two rivals Peſcennius Niger and Clodius Albinus. Albinus commanded the forces in Britain; and having carried over a great number of them into Gaul, he was defeated in that province by Severus. The latter immediately ſent over Virius Lupus as his proprætor into Britain, to repel the Barbarians, who, by the diminution of the uſual defence of the Roman province, might have been tempted to invade it. Lupus found on his arrival, that the emperor's apprehenſions were juſt, the Caledonians and Mæatæ having committed conſiderable ravages in the Roman province; but, not having ſufficient force to reſtrain or revenge theſe injuries, he made peace with them. It is on this occaſion that we firſt read of the Mæatæ †, who appear to have inhabited the lower lands of Scotland, A. D. 193. Herodian. l. 3. Dio, lib. 75. e Theodoſio, p. 851. Carte.

* Horſley thinks it moſt probable, that the ſeat of this war was chiefly between the two walls of Adrian and Antoninus Pius. He obſerves, that it is probable that the Caledonians had broke through the wall of Antoninus Pius not long after it was erected, and that this may be the reaſon of our meeting with no inſcriptions there, but what belong to that reign; at leaſt no other emperor is expreſsly mentioned but the firſt Antoninus, nor is there any certain date but what relates to his time. Brit. Rom. p. 53.

† Their name is derived from the Britiſh word *meath*, a plain. Dio ſays, they had no towns; but it is evident from Ptolemy's geography, that there were ſome towns at that time in the South of Scotland. Dio alſo mentions Severus's returning, after he had made peace with the Caledonians, into the country of *friends or allies*, (εις την φιλιαν) which Carte interprets of the country between Adrian's wall and the Friths, which though not reduced into the form of a province, was inhabited by people that were dependants and allies of the Romans. [But why may not φιλια denote the Roman province itſelf?] But that the inhabitants of this country were the Mæatæ of Dio, is inferred from his ſaying, That, at the time of Severus's expedition, "there were two nations of the Britons that "remained unconquered, the Caledonians and the Mæatæ, whereof the latter dwelt next the

Scotland, while the mountainous parts were poſſeſſed by the Caledonians; but it is doubted whether theſe Mæatæ were the inhabitants of the South of Scotland or of the lower tracts of country to the north of Edinburgh Frith; although the former opinion ſeems more probable. The ancient hiſtorians deſcribe the Caledonians and Mæatæ as entirely reſembling each other in their manners and cuſtoms, both in war and peace. Their arms were the ſame as thoſe uſed by their anceſtors in the time of Agricola. For offence they were provided with a ſhort ſpear, a broad ſword, a durk, and javelins; for defence they had nothing but a ſmall target. They lived in tents, having no houſes, towns, or tillage. Hence their food was chiefly the milk and fleſh of their cattle, and the game they took in hunting, together with the roots and fruits that the ſoil naturally yielded. They are ſaid to have had ſome ſort of food, or rather medicine, a quantity of which no bigger than a bean, prevented all ſenſe of hunger and thirſt; and this they made uſe of in their long marches. They abſtained totally from fiſh, though their ſeas and rivers produced it in great plenty. Inſtead of dreſs, they painted their bodies, which were moſtly naked, with the figures of various kinds of animals. They had * *wives* in common; and property in other matters was very little regarded by them. They were ſwift and ſure of foot; patient of toil, hunger, thirſt, and other hardſhips. They had horſes ſmall but fleet, and retained their ancient cuſtom of fighting in chariots. In almoſt all theſe particulars, and alſo in their language, they reſembled the Brigantes, with whom they appear to have been originally the ſame people.

Dion. St. Jerom.

After the peace which had been concluded with theſe Barbarians had continued about ten years, they renewed their attacks upon the Roman province, and were at firſt repulſed by the Roman generals, but returning again to the charge with redoubled fury, they diſtreſſed the Roman forces ſo much, that the governor was obliged to requeſt freſh ſupplies to be ſent him. This engaged the emperor Severus, a prince of a martial ſpirit and great talents, to undertake in perſon an expedition into Britain. The reſtleſs Barbarians, filled with terror on hearing of the emperor's arrival in the iſland, ſent ambaſſadors to ſue for peace; but Severus having detained them, until he was ready to begin his march, ſet out with a mighty army, reſolving to penetrate to the moſt diſtant ſhores of the iſland. He was ſo diſtreſſed and in-

Herodian. l. 3. c. 46.

Dio, l. 76. p. 866.

A. D. 208.

" wall that divides the iſland into two parts, and that the Caledonians were beyond theſe." Now, according to Tacitus, the country of the Caledonians began from Antoninus's rampart; and, therefore, the Mæatæ muſt have lain between the walls of Adrian and Antoninus. That the poſſeſſion the Romans had of the country between theſe walls was very ſhort and uncertain, and that Adrian's rampart or Severus's wall was the moſt uſual boundary of the Roman province, is inferred from various inſcriptions, found in the ſtations upon that wall or near it, relating to both former and latter emperors, while there are no ſuch evidences of laſting Roman ſettlements in the country adjacent to the rampart of Antoninus. Carte, p. 141. Horſley, p. 73. Goodall's Preface to Fordun, c. 8. Innes's Eſſay, c. 2.

* That the Caledonians had wives in common, the author relates upon the authority of Dio and St. Jerome; and Cæſar gives much the ſame account of the Southern Britons: there is ſome reaſon, however, to think, that their opinion is unjuſtly founded on the promiſcuous manner of living in thoſe nations; ſo very much different from that of the Romans.

firm

firm with the gout, that he was obliged to be carried in a litter; but the vigour of his mind, and the ſeverity of his diſcipline, overcame all difficulties. By the continued hard labour of his ſoldiers, he opened or made ways over mountains, and through foreſts and moraſſes *. At laſt, returning from his tedious progreſs, in which he had employed many months, he gave peace to the Barbarians, on their yielding up their arms, and part of their country. But that he did not conſider this acquiſition of territory as ſecure, or of much value, appears from his contenting himſelf with ſtrengthening the ancient defence of the Roman province, which Adrian had erected, by building a ſtone wall in the neighbourhood of that emperor's rampart. This work was completed in the year before he died, and is celebrated by an ancient author as the chief glory of his reign †. Spartian. p. 363. A. D. 210.

The death of Severus, which happened at York, was probably a deliverance of the northern Britons from utter deſtruction. For before he died, encouraged, as is likely, by the accounts they had of the declining ſtate of his health, they had violated the late peace, and renewed their hoſtile incurſions. Severus ſent out againſt them his eldeſt ſon Baſſianus, ſirnamed *Caracalla*, with orders to ſpare neither age nor ſex; but the emperor ſoon after dying, his ſon, eager to aſſume poſſeſſion of the empire, made peace with the Barbarians, by reſtoring to them the country ‡ they had yielded to his father; and he and his brother Geta, ſoon after ſet out to accompany their father's aſhes to Rome. Dio, l. 77. Herodian.

The affairs § of Britain are ſcarce mentioned by hiſtorians, from the time of this expedition of Severus, until the reign of Diocleſian, which was an interval of more than ſeventy years. Soon after Diocleſian's acceſſion to the empire, Carauſius, by birth a Menapian or Batavian, of low extraction, became ſo formidable, by the riches he acquired in the command he had over the Roman navy, which was ſtationed at Boulogne, for the defence of the coaſts or ſeas of France and Britain, againſt the northern Barbarians, that Maximian, Diocleſian's colleague in the empire, gave orders to ſeize and put him to death: Carauſius, informed of his danger, paſſed over to Britain; where by bribes and careſſes he attached wholly to his intereſts the legion and auxiliary forces there ſtationed, and, with their approbation, aſſumed the purple. The power and ſucceſſes of Carauſius at ſea, made it ſo difficult for Maximian to accompliſh a deſcent on Britain, or to defend the neighbouring coaſts againſt his attacks, that he was glad to conclude a peace A. D. 284. Aurel. Victor. Eutrop. Eumen. Paneg. 9. A. D. 286.

* What part of their country this was is not clear; it is probable it was the South of Scotland, or the country between the walls. Horſley, p. 62, 63.

† It was this emperor alſo who divided the Roman province into two governments or prefectures, called Britannia Superior and Britannia Inferior; the former containing the more ſouthern counties of England and the principality of Wales, and the latter the counties to the north of theſe, ſo far as the Roman dominions extended.

‡ This, 'tis likely, was the country between the walls, except a few advanced ſtations; which, by the Itinerary, probably written in the time of Caracalla, appear to have been retained by the Romans.

§ Of the thirty tyrants, by whom the empire was torn to pieces about A. D. 260, Lollianus, Victorinus, Poſthumus, the Tetrici, and Marius, ſeem to have been governors of this iſland; their coins being daily found in it in great plenty. Camden's Introd. p. 90. Horſley, Br. Rom. p. 68.

with

with him, on the hard terms of acknowledging him as a partner in the empire with Diocleſian and himſelf. Carauſius, thus fixed in the ſeat of government, exerted his power with great conduct and vigour for ſeven years. He repelled the northern Barbarians, and according to Nennius, repaired the rampart between the Forth and Clyde, erecting ſeven new caſtles to increaſe its ſtrength.

Hiſtor. Br. p. 103. Ed. Gale.

A. D. 293. Allectus, one of Carauſius's officers, having put his maſter to death, ſeized the government of Britain, and after having retained it three years, loſt his life, in repelling an invaſion of Conſtantius Chlorus, the father of Conſtantine the Great. The emperors Diocleſian and Maximian had raiſed Conſtantius and Maximian Galerius to the dignity of Cæſars; and in the diviſion, which was made at that time of the empire, Britain was a part of Conſtantius's ſhare; the death of Allectus having put him in poſſeſſion of the Roman province in that iſland. He reigned over it all the reſt of his life, much beloved by his ſubjects for his great and amiable qualities. Even the northern people gave him no diſturbance, until the laſt year of his reign, in which he made a ſucceſsful expedition againſt them, and afterwards died at York.

Eumen. Paneg. 2.

A. D. 306.

Conſtantius, about fifteen months before his death, upon the reſignation of Diocleſian and Maximian, had, in conjunction with Galerius, been raiſed to the dignity of Emperor. He declared, on his death-bed, his ſon Conſtantine his ſucceſſor, who was acknowledged as ſuch by the army immediately after his father expired. Helena, the mother of this eminent perſon, was a native of Britain; and is ſaid to have been the daughter of *Coil* a Britiſh prince *, in alliance with the Romans, whoſe dominions moſt probably lay in the South of Scotland. Conſtantine, by force, money, or addreſs, quickly compoſed the diſorders on the frontiers of the province; and Britain, during the reſt of his reign of thirty years, ſeems to have remained in peace. Under Conſtantine's government, the adminiſtration of civil and military affairs in the empire was new modelled; and of conſequence new charges and titles of authority were introduced into Britain. The civil affairs † of the empire being managed by four chief præfects; thoſe of Britain were under the direction of the præfect of Gaul, who exerciſed his office here by a deputy or vicar. Under this chief deputy, were two other conſular deputies, one for each of the provinces, poſſeſſed by the Romans; and theſe latter deputies had under them three judges called Preſidents, who determined all cauſes criminal and civil. The military affairs of the weſtern empire were under the direction of two *Maſters of the Soldiers*, one of the horſe, and another of the foot. To the latter belonged the department of Britain; and the officers he had in that iſland immediately ſubject to him, were, the Count of Britain, the Count of the Saxon Shore in Britain, and the Duke of Britain. The firſt had the command of the forces in the interior

Am. Mar. Excerpt.

Coilus. Eum. Pan. 9.

Præfecti Prætorio.

See above, p. 5.

Magiſtri Militum.

Camden, Introd. p. 95.

* The diſtrict of the ſhire of Air, called *Kyle*, is thought to have borrowed its name from this prince.

† This account given by Camden, ſeems to have been taken by him (ſays Horſley) chiefly from the Notitia, and Pancirollus's annotations on it. According to Horſley's obſervations, it is not altogether correct. Br. Rom. p. 71.

part

part of the country, the ſecond was charged with the defence of the coaſt againſt the Saxons, and the laſt with the defence of the northern marches againſt the Barbarians. This Duke of Britain, had the command of thirty-eight garriſons, conſiſting of fourteen thouſand foot and nine hundred horſe; which was more than two-thirds of the whole Roman forces in the iſland. There is little evidence of any conſiderable progreſs made by Chriſtianity in the Roman province, before the reign of Conſtantius and his ſon Conſtantine; the former of whom ſhewed great favour to Chriſtians, and the latter openly profeſſed their religion. The Britiſh church in the time of Conſtantine had grown ſo conſiderable, that biſhops were ſent from it, to attend councils on the continent. Carte.

Upon the death of Conſtantine in 337, Britain, in conſequence of the diviſion of the empire made by that emperor among his three ſons, became ſubject to Conſtantine, the eldeſt of them. This prince being ſlain about three years after, in a battle with his brother Conſtans near Aquileia, the latter obtained the poſſeſſion of Britain, together with the reſt of the weſtern empire. Conſtans after having reigned about ten years, was depoſed and ſlain by Magnentius; and this cruel tyrant having kept the weſtern empire in ſubjection about four years, was overcome and purſued to deſtruction by Conſtantius, who, in conſequence, became maſter of the Roman empire in its whole extent, and continued ſo to his death, which happened ſeven years after that of Magnentius. Julian, the couſin of Conſtantius, and who, before the death of the latter, was far advanced in the enterpriſe of depoſing him, was his ſucceſſor in the whole empire; but after enjoying it about twenty months, was ſlain in his expedition againſt the Perſians; and in him ended the imperial line of the family of Conſtantine. The hiſtory of theſe emperors contains very few events relating to Britain. It is however in this period that the Scots begin to be mentioned along with the Picts, as diſtreſſing by their incurſions the Roman province. Conſtans made an expedition againſt them in the year 343: and the year before Conſtantius's death, Julian ſent over Lupicinus, a man celebrated for his military talents, to defend the province againſt the ſame invaders *. A. D. 340. Libanius. Am. Mar. A. D. 361. A. D. 363. Ammian. A. D. 360.

Jovian,

* The Scots are, after this period, mentioned by hiſtorians as the allies of the Picts, and as almoſt always combined with the latter in their incurſions into the Roman province. The novelty of their name, and their being firſt heard of about this time, gives countenance to the opinion of their having paſſed over from the continent into Britain, in ſome of the migrating ſhoals ſo common in thoſe days. The conformity of their language, manners, and cuſtoms, to thoſe of the old Iriſh, ſhew theſe latter and the Scots to have been originally the ſame people; and the Iriſh, as their traditions report, derive their anceſtors from Spain. What renders this probable is, that in the ancient names of ſome places and people ſettled in the north of Spain, there are veſtiges of a Scythian extraction: and this leads alſo to a probable etymology of the name of *Scoti*, which differs not much from *Scythæ* or *Scytæ*. Camden obſerves, that the Britons, in their ancient tongue, call both the nations, *Scyths* and *Scots*, by the ſame name. And the Germans, as it is remarked by Innes, name the *Scyths* and *Scots* by the ſame word *Scutten*. The name of *Scots*, for a long time, was given promiſcuouſly to the Iriſh, and to the inhabitants of the weſtern highlands and iſles of Scotland, and the country of the former was alſo called *Scotia*. The Scottiſh hiſtorians derive Fergus their firſt king from Ireland; and Bede, who is ſeveral centuries older than the oldeſt remaining hiſtorians of the Scots, and by his vicinity to Scotland had Innes's Crit. Eſſ. p. 538,—544. Hiſt. Ecc. b. 2. c. 1.

Jovian, the ſucceſſor of Julian, after reigning only eight months, was ſuc-
A.D. 364. ceeded by Valentinian; during whoſe reign Britain continued to be more and more

had acceſs to know the traditions prevailing amongſt that people in his time, relates, that the Scots of Ireland, paſſing over from that iſland, under the conduct of Reuda, obtained from the Picts, either by *force* or *friendſhip*, the country that they afterwards poſſeſſed. According to the ſame author, the Picts came originally from Scythia, which may well enough be underſtood to denote Denmark, Norway, and the other countries round the Baltick; and took poſſeſſion of the northern parts of Britain; to which the Britons, the inhabitants of the ſouthern parts, and who came originally from Gaul, had not yet extended themſelves. The Picts, in their migration, having been driven round the north of Britain, on the coaſts of the Scots in Ireland, were directed by them to ſettle in the vacant part of the great iſland they had left behind them, to which they accordingly returned; the Scots are alſo ſaid to have given them their daughters for wives, which was the beginning of a cloſe and laſting alliance between the nations.

Goodall's Preface to Fordun, p. 7. Preface to Temora.

Againſt theſe traditions, which muſt be allowed to very vague, and in ſome reſpects improbable, are brought as evidences of the internal kind, that the Scots and Picts were originally from Gaul, as well as the Britons; and that probably they were the firſt colonies that came from that country, and were driven northwards by others of the ſame race who ſucceeded them, and by the Roman conqueſts. Their name of Caledonians, the moſt ancient of the names given them by the Roman hiſtorians, denotes Gauls or Celts of the Hills. The people themſelves call their language Galic.

Edw. Llhwd.

Many Celtic words are found in it. Their country they call Albin, and themſelves Albanich, from the moſt ancient known name of the iſland. It is affirmed by thoſe who are acquainted with their language, that when compared with the Iriſh, it bears evident marks of being the original tongue, and that the Iriſh is only a dialect of it. There is no veſtige of any tradition amongſt them of their having come over from Ireland. On the contrary, their moſt ancient poems, which in the main ſeem to be founded on truth, derive the northern Iriſh from *them*. In the inconſiderable remains alſo of the Pictiſh language, in the names of ſome of their kings, and of the rivers and

Camden's Britan.

mountains of their country, there are the ſame traces of a Celtic extract: whence it is inferred, that the Scots and Picts were originally the ſame people; but in proceſs of time, became conſiderably different, in their manners, cuſtoms, and dialect, from the difference between the countries they inhabited, and the different kind of life which, in conſequence thereof, they led. The nature and poſition of the country of the Picts made them alſo much more liable than the Scots to admixtures of other people; and it is conjectured that great numbers of the ſouthern Britons, taking refuge amongſt them from the Roman tyranny, taught them the cuſtom of painting their bodies, which was never done by the ancient inhabitants of the Highlands, and was diſuſed by the provincial Britons after their becoming ſubject to the Romans. And hence, from this cuſtom, the lowland Scots were by the Romans called Picts.

There is another etymology given us of the names, Scots and Picts, by the Rev. Dr. M'Pherſon, in his Critical Diſſertations, which the author would have probably taken notice of in the foregoing note, had the Doctor's book been publiſhed when he was employed in this part of his work.

This ingenious author obſerves, that in the Galic tongue *Scode* ſignifies a corner, or ſmall diviſion of a country; that *Scot*, in the ſame language, is of much the ſame import with *little* or *contemptible*; and that *Scottan*, literally ſpeaking, ſignifies a *ſmall flock*, and metaphorically, it ſtands for a *ſmall body of men*. For ſome one of the reaſons couched under theſe diſparaging epithets, he thinks it probable, that the Picts, who were at firſt more numerous and powerful than the Caledonians, gave the opprobrious appellation of *Scot* to the anceſtors of the Scotiſh nation.

With regard to the Picts, he informs us, that the Highlanders who ſpeak the ancient language of Caledonia, expreſs the name of that once famous nation who were at laſt ſubdued by the Scots, by the word *Pictiſh*; and that one of the ideas affixed to the word *Pictdich* or *Pictiſh*, is that odious one which the Engliſh expreſs by the word plunderer, or rather thief; and therefore he thinks it not unlikely, that their neighbours may have given that title to a people addicted to theft and depredation. See M'Pherſon's Diſſertations on the Antiquity, &c. of Scotland, p. 107, 108, 111.

The Rev. Mr. Whitaker, a learned antiquarian, and a man of genius and penetration, in his genuine hiſtory of the Britons aſſerted againſt Mr. M'Pherſon, gives a very probable account of the firſt peopling of Britain and Ireland, and of the etymology of the names of theſe iſlands and their ancient inhabitants.

According

more infeſted by Barbarians. The Scots and Picts, combined with the Atacotti and Saxons, over-ran the whole province; committing every where the moſt dreadful depredations. Nectaridius, the count of the ſea coaſt, and Fullofaudes, the imperial general, together with a great part of the Roman forces under their command, were ſlain by thoſe invaders. The emperor informed of theſe diſaſters, after trying in vain ſome other methods to reſtore quiet and ſafety to his Britiſh dominions, found himſelf obliged to ſend over Theodoſius, the father of the emperor of that name, at the head of a conſiderable body of good forces, both legionaries and auxiliaries. Theodoſius was one of the moſt illuſtrious commanders of that age; and added greatly to his fame, by the addreſs, activity, and reſolution he diſplayed, in repelling the Barbarians, and reſtoring peace and ſecurity through the Britiſh province: he purſued with unremitting vigour the invaders both by land and ſea; until he had fully recovered all that the Romans had ever poſſeſſed in the iſland. He repaired the walls and forts on the northern frontiers; and having ſubdued and ſettled in peace the country betwixt the wall of Severus and the rampart of Antonine, which had been for ſome time poſſeſſed by the Barbarians, he added it as a fifth province to the * four, into which the ſouthern part of the iſland was divided. A particular preſident or governor was ſet over it; and by order of the emperor it received the name of Valentia †. The late calamities of the Roman province had been very much owing to the negligence and corruption of the perſons intruſted with its defence; of whom none were found more guilty, than thoſe employed on

Ammian. l. 28.

A. D. 368.

Ammian. ibid.

According to this author, Britain was peopled from Gaul, about 1000 years before the Chriſtian æra commenced; and Ireland received its firſt inhabitants from Britain about 350 years before Chriſt, and was afterwards ſupplied with freſh ſwarms of people from the ſame country. The firſt ſettlers in Ireland, originally denominated Gael and Britons, Mr. Whitaker obſerves, received the deſignation of *Scoti* as the diſcriminative mark of their emigration from Britain. To this day, he ſays, the Iriſh diſtinguiſh the Scottiſh language, by the title of *Scot-bhearla*, and the Scottiſh nation by the name of *Kin-ſcuit*. And *Scuite*, he adds, ſignifies in the Iriſh of the Highlands of Scotland at preſent, an emigrant, a wanderer, and a refugee. Mr. Whitaker farther informs us, that a colony of Scots from Ireland, under the command of Fergus, ſettled in Argyleſhire and the counties adjacent, with the abſolute conſent of the Caledonians, the ancient inhabitants of the country, in the year 320; and firſt fixed the appellation of Scots in the iſland of Britain; by which name the whole inhabitants of North Britain were afterwards diſtinguiſhed. The ſame author gives an etymology of *Pict*, different from that of Dr. M'Pherſon. See Mr. Whitaker's arguments and authorities in the work above mentioned, and in his Hiſtory of Mancheſter.

* The names of the four provinces into which the Southern parts of Britain were divided, were, Flavia Cæſarienſis, Britannia Prima, Britannia Secunda, and Maxima Cæſarienſis. When this diviſion took place is not certainly known.

† Camden (Vol. II. Brit. c. 1047). Gale and others, are of opinion, that Valentia was the South of Scotland, together with Northumberland; or the country between Severus's wall and the Friths of Forth and Clyde: but to others it ſeems more probable, that Valentia was ſome part of the country next to the wall on the ſouth, which the Barbarians had ſeized and Theodoſius recovered. This opinion is favoured by the Notitia Imperii, which was written after the conqueſts of Theodoſius, making mention of Valentia, as one of the governments into which Britain was divided, and yet not taking notice of one ſtation or garriſon beyond the wall of Severus. Beſides, in the inſcriptions found nigh Antoninus's wall in Scotland, there is mention made of ſo few Emperors, that this wall appears not to have continued long as a fixed boundary between the Romans and the barbarous nations. Brit. Rom. p. 73. 479. Præf. ad Fordun.

the frontiers. An order of men diſtinguiſhed by the name of Areani, had been eſtabliſhed by the Romans on the extreme borders of their dominions, to diſcover and give ſpeedy intelligence of the motions of the Barbarians. Thoſe employed in this ſervice, on the marches towards the Scots and Picts, Theodoſius caſhiered, and diſmiſſed with diſgrace, having convicted them of various abuſes, and particularly of having been ſeduced by bribes to give intelligence to the enemy.

A. D. 379. Zozimus, l. 4. Pacat. Paneg.

Valentinian, dying in 375, was ſucceeded in the weſtern empire, by his ſon Gratian, who four years after, aſſumed Theodoſius, the ſon of the famous commander of the ſame name juſt mentioned, as his partner in the empire. Maximus, a Spaniard by birth, had at that time the command of the army in Britain; and having ſerved there, under Theodoſius the father, in the ſame rank with that general's ſon, who was now raiſed to the purple, his envy and reſentment on that account are ſaid to have co-operated with his ambition, in making him aſpire to the ſame dignity. His reputation and talents being no way inferior to his high views, he eaſily gained over the army, and was by them ſaluted Emperor. Having acquired a farther increaſe of fame, by repelling and routing the Picts * and Scots, he paſſed over into Gaul, accompanied not only by the Roman forces, but by a vaſt number of the Britiſh youth. His good fortune attended him to the continent, where having defeated and ſlain Gratian near Lyons, he held Gaul, Spain, and Britain, the countries that had been ſubject to that emperor, for five years. But his ambition inciting him to make a conqueſt alſo of Italy and Africa, which were ſubject to Valentinian the brother of Gratian, Theodoſius interpoſing in the defence of the young prince, defeated the armies of Maximus, and the tyrant himſelf being ſeized, was put to death near Aquileia.

A. D. 383.

A. D. 388.

A. D. 392.

Four years after Valentinian was cut off by the treachery of Arbogaſtes, a Frank, who had been firſt promoted by Gratian, and during the childhood of Valentinian had been raiſed to the chief command of the army, by the choice of the ſoldiers. In the room of Valentinian, Arbogaſtes raiſed to the empire of the weſt, Eugenius, a creature of his own: but both the one and the other were ſoon after conquered and deſtroyed by Theodoſius. Under this emperour Chryſantus acquired great fame, by his wiſe and vigorous adminiſtration of the affairs of Britain. Soon after, Theodoſius dying, left the empire to his two ſons Arcadius and Honorius; the latter being a mere child under the tuition of Stilicho. The reigns of theſe two princes proved a period very fatal to the empire, by the incurſions of innumerable ſwarms of Barbarians on all ſides. Stilicho, an able ſtateſman and general, though of inſatiable ambition and covetouſneſs, repelled for a while, with

Socrates.

A. D. 394.

A. D. 395.

* According to the Scottiſh hiſtorians, Maximus encouraged and aſſiſted the Picts in a cruel war againſt the Scots, in which the greateſt part of the latter nation, with their king Eugenius and his ſon, being cut off, thoſe who remained, rather than ſubmit to the tyranny of their conquerors, retired to Ireland and Norway. Fordun, l. 2. c. 27. But this calamity of the Scots is placed by Fordun about the year 360, which was long before the time of Maximus. The learned author of the Preface to the laſt edition of Fordun, renders the hiſtory of the expulſion of the Scots from Britain very doubtful. Cap. 6. See alſo Innes, p. 652.

much

much glory and ſucceſs, the fierce and numerous invaders. He is in particular celebrated by Claudian, for the effectual meaſures he took to defend Britain againſt the Scots, Picts, and Saxons. But when Alaric the Goth, had entered Italy in 403, Stilicho was obliged to recall * the legion, employed in defence of the northern frontiers of the Britiſh province. Claud. de Laud. Stilic. et in Eutropium. A. D. 403.

About four years after, ſuch multitudes of northern nations poured into Gaul, and there fixed their abode, that the communication between Rome and Britain was almoſt wholly cut off. This afforded a pretence for the Roman ſoldiery ſtill remaining in the iſland, to elect an emperour for their own protection, and for repelling the Barbarians. Not being content with the choice they had made, firſt of Marcus, then of Gratian, they ſoon put them to death; and afterwards choſe Conſtantine a common ſoldier, on the account of his name, which being the ſame with that of Conſtantine the Great, who had been raiſed to the imperial dignity in this iſland, they regarded as a happy omen of ſucceſs. Nor were their hopes altogether fruſtrated: for Conſtantine paſſing over to the continent, reduced to his obedience a great part of Gaul and Spain, and Honorius, unable to reſiſt him, acknowledged him as his partner in the empire. But Conſtantine, encouraged by the ſucceſs of Alaric the Goth, who took and ſacked Rome in 410, ſoon after entered Italy, with a view of ſeizing the few provinces which ſtill continued ſubject to Honorius. But a traitorous ſervant of Honorius, with whom Conſtantine correſponded, being detected and put to death, Conſtantine returned quickly into Gaul, whither he was ſoon after followed, and beſieged in Arles, the uſual ſeat of his empire, by Conſtantius, an able general ſent againſt him by Honorius. By this time Gerontius, one of the chief props of Conſtantine's greatneſs, had rebelled againſt him, put to death his ſon Conſtans, and conferred the title of Emperor on Maximus, a creature of his own. On the other hand, an army of Franks and other Germans, under Edobeccus, attempted to raiſe the ſiege of Arles. Conſtantius prevailed againſt both the friends and enemies of Conſtantine; and reduced him to the neceſſity of ſurrendering himſelf and his ſon Julian priſoners, on the promiſe of their lives being ſaved. But this engagement was diſregarded by Honorius; who ordered them both to be put to death. Soſomen. l. 9. A. D. 411.

When the power of Conſtantine grew contemptible by the indolence and luxury into which he ſunk, ſoon after he had eſtabliſhed his dominion on the continent; when his authority was farther weakened by the rebellion of Gerontius; while at the ſame time Italy, and Rome, the ancient ſeat of empire, became the prey of the Goths; the inhabitants of Britain, and of the maritime coaſts of Gaul, endeavoured to provide for their ſecurity, by eſtabliſhing governments of their own modelling, and aſſerted their ancient Zoſimus.

* For this we have the authority of the ſame poet; which ſeems to be one of the cleareſt evidences of the Scots being at that time ſettled in Britain, near the limits of the Roman province.

Venit et extremis legio prætenta Britannis,
Quæ Scoto dat fræna truci, ferroque notatas
Perlegit exanimes, Picto moriente, figuras. CLAUDIAN.

independence, by expelling the Roman governours, where any ſuch remained. But theſe efforts proved in both countries very inſignificant, againſt the multitudes and ferocity of barbarous invaders. The Britons were the leſs able to repell theſe Barbarians, as both Maximus and Conſtantine had carried over to the continent, vaſt numbers of the men fitteſt for war, who never after returned to their native country. Being therefore reduced to great extremities, by the repeated invaſions of the Scots and Picts, they had recourſe to the Emperor Honorius for aid; who judged it ſo impracticable to reſtore or maintain the Roman power in Britain, that, inſtead of
Gildas de Excid. Brit. c. 11, 12, 13, 14. ſending them forces, he exhorted them to take courage and exert their own ſtrength in defence of their country. But their diſtreſs ſtill continuing, they renewed their ſupplications, entreating the emperour to ſend to their aſſiſtance
Bed. l. 1. c. 12 a ſingle legion. A legion was accordingly ſent, which encountered and deſtroyed a great number of the invaders, and obliged the reſt to retire beyond the Friths of Forth and Clyde. By the advice of the Roman commanders, who were ſoon obliged to return with the victorious legion into Gaul, the Britons repaired the wall of Antoninus, for a bulwark againſt the northern invaders: but the materials employed in this work, being only ſods and earth, the Barbarians ſoon broke through it, and paſſing at the ſame time the Friths in their curroghs, plundered and deſtroyed the unhappy Britons with the ſame cruelty as before. In theſe circumſtances, ſupplications for aid were again renewed in the moſt piteous ſtrain, to their ancient maſters and protectors; whoſe condition by this time at home, was little better than that of their ſuppliants. Another legion however was obtained; which arriving in harveſt, when the Scots and Picts were ſcattered over the fields, deſtroying, or reaping ſecurely, the fruits of the labours of their wretched neighbours, ſpread among the plunderers a general conſternation and deſtruction, the few who eſcaped retiring beyond the Friths, whither they uſed to carry off the booty they gained in their annual incurſions. The Romans likewiſe aſſiſted the Britons in repairing the ſtone-wall of Severus, which was a bulwark of far greater ſtrength than the rampart of Antonine, and free from the inconveniency of the adjacent Friths, which the invaders eaſily croſſed in their ſmall veſſels. To guard however againſt ſuch deſcents on the ſouth of the repaired wall, towers were erected near the coaſts, from which there was an extenſive proſpect into the ſea. The Romans alſo, who, while, the lords of Britain, induſtriouſly kept the inhabitants ignorant of every thing relating to the military art, now gave them patterns to direct their workmen, in making arms; and having endeavoured to rouſe a military ſpirit by their exhortations, bade the iſland a final farewell. The time when
Carte, vol. i. p. 172. theſe two legions were ſent into Britain is ſomewhat uncertain. If, as is related by ſome authors, they were ſent over by Actius the great miniſter and general of Valentinian II. and if the laſt of them was commanded by Gallio of Ravenna, they muſt have come into Britain in the year 425 and 426. But
Lib. 1. c. 12, 13, the venerable Bede ſeems to place the expeditions of theſe legions, before the end of the reign of Honorius, which happened in 423.

The

The departure of the Romans, with the declaration they had made, of their not intending to return, could not be long concealed from the Scots and Picts, who apprehending no farther diſturbance, from a people that had been ſo long a terror to them, paſſed their Friths in great multitudes, and took poſſeſſion of the ſouth country to the ſouth of them, as far as the wall. They proceeded next to attack the wall itſelf, aſſailing with their miſſile weapons its timid and unwarlike defenders, and pulling them with hooked darts to the ground. The Britons, unable to bear ſuch furious and repeated aſſaults, abandoned their bulwark, and the fortified towns in its neighbourhood; their relentleſs adverſaries purſuing them with fire and ſword, and ſpreading deſolation into the moſt diſtant parts of their country. The miſerable Britons ſought ſhelter in their woods, mountains, and caves, and many of them purchaſed their lives at the price of their liberty. But the invaders growing ſecure by the long impunity wherewith they had carried on their ravages, thoſe Britons who had not ſubmitted to the yoke, ſuddenly breaking forth from their retreats, attacked their ſcattered foes, made a great ſlaughter of them, and obliged the reſt to ſeek their ſafety by a precipitate flight. The Scots, after their loſs, are ſaid to have retired to their Highlands and Iſles, from whence they were not long in returning; and the Picts thenceforth contented themſelves with their ſettlements to the north of the wall; from which they ſometimes made plundering inroads into the lands of their enemies, on the ſouth of it.

Bed. l. 1. c. 12; Gildas, c. 15.

Beſides the ignorance and inexperience of the Britons in the art of war, another principal cauſe of the extreme impotence and miſery into which they fell, after the departure of the Romans, was the want of a common head, to combine and direct their councils and efforts. Their ſituation, with regard to government, became much the ſame, as when the Romans firſt arrived in the iſland. A number of little potentates, bearing the titles of kings and princes, were raiſed to the ſovereignty in different diſtricts, who tyrannized over their ſubjects; and inſtead of reſiſting the common enemy, were embroiled in perpetual quarrels with each other. At length a ſenſe of their common danger, determined them to confer the chief command of their armies on Vortigern, who was originally king of a ſmall part of Wales; and had acquired great fame, by ſome ſucceſsful exploits in war. Vortigern was ambitious of extending and retaining his power, and with this view was the chief author of the deſperate and fatal meaſure of calling over the Saxons to Britain. Certain intelligence was pretended to be received, of a deſign formed by the Scots and Picts, to invade and totally to ſubdue the ſouthern parts of the iſland; and a general council of all the Britiſh chieftains was ſummoned to concert meaſures for oppoſing their adverſaries. At this council it was propoſed by Vortigern, and by a general infatuation agreed to by all the reſt, that the Saxons ſhould be invited and entreated to come over to their aſſiſtance, and ſhould have the Iſle of Thanet on the coaſt of Kent, aſſigned to them for a place of habitation and ſettlement.

Carte, vol. i. p. 190. from Welch authors.

The Saxons were a numerous and warlike people, who inhabited the north-eaſtern parts of Germany, and part of the peninſula of Jutland. They were

ſtill Heathens, and had long, by their piratical deſcents and devaſtations, been the terror and ſcourge of the coaſts of Britain and Gaul. The firſt colony of them, which, at the requeſt of Vortigern and his fellow-potentates, came over to Britain, was commanded by Hengiſt and Horſa, two brothers, deriving their deſcent from Woden, who was worſhipped by their nation as the God of war. Their followers could be but a ſmall number, being all brought over in three ſhips. Vortigern, immediately after their arrival, led them againſt the northern invaders, who had penetrated into Lincolnſhire; where, being encountered by enemies whoſe appearance and cloſe manner of fighting were equally new and dreadful, they were quickly diſcomfited and repelled. The Saxon leaders, obſerving, in this expedition, the fertility of the country, and the miſerable weakneſs of its inhabitants, ſoon ſent information of theſe tempting circumſtances to their friends and countrymen, to excite them to come over in greater numbers. Not long after the arrival of Hengiſt and Horſa, their brother Oita and his ſon Ebuſa conducted a fleet of forty veſſels to the northern coaſts of the iſland; probably intending, by a ſettlement there, to divide the forces of the Southern Britons, and thereby to forward the projected conqueſt of their country.

A. D. 449, or 452.

Chron. Sax.

The views of the Saxon leaders to render themſelves maſters of the country and people, whom they had come over to aid as allies, ſoon became evident. But the Britons made a long and obſtinate reſiſtance; and probably the want of union and concord amongſt themſelves, was the chief reaſon of their being in the end ſubdued by their fierce and numerous invaders. A bloody war was carried on between the nations for more than a hundred years; the events of which are recorded in a very confuſed and imperfect manner, and are ſo blended with fables, that it is impoſſible, in many inſtances, to diſtinguiſh and aſcertain the truth. Such was the natural conſequence of the general darkneſs of the age, of the barbarity of the invaders, and extreme wretchedneſs of the invaded. The great heroes, who appeared in defence of the Britons, were Aurelius, Ambroſius, and Arthur, princes of certain diſtricts in the ſouth weſtern parts of England. The ſcene of the atchievements of the latter was very extenſive. He fought and conquered in various parts of the iſland, and, according to ſome, the firſt of his twelve famous battles, was fought at the mouth of Glen, which runs into the Till, near the ſouth-eaſt corner of the plain of Mill-field. Arthur was mortally wounded in the battle of Cambalon, in the year 542.

Nen. Hiſt. Brit. c. 63. Huntingdon, p. 313.

The renewed invaſions of the Saxons and their wars with the Britons, iſſued in the eſtabliſhment of ſeven Saxon kingdoms, commonly known by the name of the *Heptarchy*. Theſe kingdoms were erected at different periods; as the different Saxon leaders made their ſucceſſive invaſions, and ſurmounted the oppoſition they had to ſtruggle with. Among theſe Oita, the brother of Hengiſt, and Ebuſa, Oita's ſon, paſſing over at Hengiſt's call from the Continent in forty ſhips, after ſome vain efforts of the Picts to expel them, made good a ſettlement, which for about a hundred years continued to depend upon the kingdom of Kent. The Picts, who, from the time of the departure of the Romans, had poſſeſſed the country on the

Nen. Hiſt. Brit. c. 37. Malmeſ. l. 1. c. 3.

north of the wall, either now yielded that part of their dominions wholly to the Saxons, or ſhared it with them: and Droſtan, who was then king of the Picts, entering into a league with them, they waged war jointly againſt the Britons, who are ſaid to have been aided in theſe wars by the Scots. During this firſt period of the ſettlement of the Saxons in the northern parts of Britain, their hiſtory is involved in the greateſt obſcurity. It is agreed that the firſt who acquired among them the title of a king was Ida. This prince, like the other Saxon monarchs, derived his deſcent from Woden, from whom he is ſaid to have ſprung by the line of Woden's third ſon. He brought over with him from the Continent, an army of his countrymen in ſixty ſhips, with which he landed at Flamborough: and his high extraction, joined to talents for war and government that were worthy of it, ſoon raiſed him to the royal dignity over the companions of his expedition, and thoſe of his countrymen who were already ſettled in theſe parts. His dominions ſeem to have conſiſted ſolely or chiefly of the country called Bernicia *, which was the name given by the Saxons, to that part of England which lies to the north of the river Tyne, or wall of Severus; and which extended, during ſome part of the Saxon government, as far as the Edinburgh Frith. This firſt king of the Northumbrians built the caſtle of Bamborough on the ſea-coaſt over againſt Fern-Iſland, in a ſituation very ſtrong and conſpicuous; and in honour of Bibba his queen, gave it the name of Bibbanburgh, which in progreſs of time was afterwards contracted into the name it now bears: the reign of Ida was contemporary with that of the Scottiſh king Eugene III. who, firmly maintaining the alliance which his predeceſſors had made with

Chron. Sax. Bed. l. 3. c. 6.

* The limit of Bernicia on the ſouth is ſometimes ſaid by the ancient Engliſh writers to be the Tyne, and ſometimes the Tees. In the ſame manner its northern limit is ſometimes ſaid to be the Frith of Forth, at other times the Tweed. It is probable that, at different periods of time, its actual limits did thus vary.

Nennius repreſents the Saxons under Oita and Ebuſa, as receiving this country by the gift of Vortigern; but Vortigern had it not to give. He ſays, that theſe invaders having ſailed around *(circa)* the Picts, laid waſte the Orkney Iſlands, and then came and ſeized ſeveral diſtricts beyond the Frith, (Mare Freſicum) which he deſcribes as lying between the Saxons and Scots, as far as the confines of the Picts that is, their confines with England. Malmeſbury ſays, that having in ſeveral conflicts, overcome the inhabitants who reſiſted, they admitted the reſt to terms of peace; but that they continued a hundred years, all but one, content with their dependence on the kings of Kent: at the end of which period their dependent ſtate (Ducatus) was changed into a kingdom *; Ida being advanced firſt among them to the royal dignity, but whether by conqueſt, or the choice of his ſubjects, he could not determine. Fordun relates, that Oita and Embuſa (Ford. Embuſa) came to ſettle in the northern parts, in conſequence of an embaſſy ſent beforehand from Hengiſt to Droſtan the Pictiſh king, and a confederacy concluded between theſe princes, whence the Saxons were heartily welcomed by the Picts, and making an addition to their ſtrength, by degrees engaged them in wars with the Scots and Britons. Bede (l. 1. c. 15.) who may well be conſidered as the beſt of theſe authorities, mentions a league which the Saxons ſoon concluded with the Picts. Vaughan in his remarks on the Britiſh Chronology ſays, that the Saxons and Picts were mingled together, and lived in a very friendly manner all over Lothian, and even in the city of Edinburgh, for above 120 years after, at the time of the battle of Arderydd.

* See note, p. 16. Ford. l. 3. c. 17.

Carte, vol. i. p. 195.

Nennius c. 64. ſays, that Ida was the firſt king of Bernicia, that is, adds he, Iberneick. Flor. Vig. mentions alſo Ida as the firſt king of the Bernicians. The etymology of Berwick, as expreſſing *a town of the Bernicians*, is not the leaſt probable of thoſe given by Camden.

the

the Britons, was, in conjunction with them, engaged in continual wars, with various ſucceſs, againſt their common enemies the Picts and Saxons.

Talieſſin, a Britiſh Poet quoted by Carte, vol. i. p. 209.

Ida, after a proſperous reign of twelve years, was ſlain in battle, by Owen, ſon of Urian Rhegad, a gallant Briton. After his death, the country of the Saxons to the north of the Humber, became divided into two kingdoms, that part of it which lay between the ſouthern frontiers of Bernicia and the Humber, bearing the name of Deira. Bernicia continued ſubject to the deſcendants of Ida; and Deira * was governed by Ella, a kinſman of Ida, tracing his original to Woden in a different line. The reigns of the ſix immediate ſucceſſors of Ida † were ſhort, and without any events that are marked in hiſtory. Ethelric the laſt of thoſe ſix, and one of Ida's ſons, mounted the Bernician throne in the year 586; but was ſo much exhauſted by age and infirmities, that the government, during the ſeven years of his reign, was wholly in the hands of his ſon Ethelfrid. Ella king of Deira dying in 588, whoſe hiſtory is equally obſcure with that of his co-temporary kings of Bernicia, gave the ambition of Ethelfrid a favourable opportunity of reducing the two Northumbrian kingdoms into one. For although he had married Acca the daughter of Ella, he ſcrupled not to avail himſelf of the minority of his brother-in-law Edwin, who was a child of three years old at his father's death, to poſſeſs himſelf of Deira. This great enlargement of his dominion, joined to his martial ſpirit and thirſt for glory, made Ethelfrid a very formidable prince. He conquered and planted with his Saxons, or rendered tributary, more of the country poſſeſſed by the Britons, than any other of the Saxon potentates; and gave Aidan king of the Scots, who, as an ally of the Britons, invaded his dominions with a very numerous army, ſo terrible an overthrow, that the Scots did not attempt any expedition into the country of the Saxons for ſeveral generations following ‡.

Malmeſ. Chron. Sax.

Bed. l. 1. c. 34.

A. D. 603.

Meanwhile Edwin the heir of the late king of Deira, who, on Ethelfrid's uſurpation of his father's dominions, had been conveyed to ſome ſafe retreat, grew up to maturity. He had found protection in his tender years in ſome of the Britiſh and Saxon kingdoms; but the power and greatneſs of Ethel-

Gul. Malm. p. 18.

* Selden repreſents the principalities of Deira or Deireland and Bernicia as earldoms given in perpetuity; of which the inſtances were not frequent during the Saxon period. Theſe *Eol ordoms*, ſays he, began in Oita, brother to Hengiſt king of Kent, and Ebuſa his ſon, who having conquered by Hengiſt's commiſſion thoſe northern parts, held them as Eoldordoms or Earldoms, of the kings of Kent, and by that name tranſmitted them to their heirs, who uſed no other title than Eolderman or Dux or Comes, until Ida in 567, took on him the name of king of all Northumberland. Tit. Hon. p. 511.

† Theſe were Glappa, who died in 560, Adda in 568, Ealdric (al. Ethelric) in 575, Theodric in 579, Frithwold (al. Fridwald) in 586, Ethelric (al. Huſſa) in 593. Carte's Table. Sim. Dun. in Pref. Hoved. Prol. p. 401. Nenn. Ap. 1.

‡ Bede ſays, that they had not done it, from the time of that overthrow, until the time he was writing his hiſtory; that is, about the year 730. This battle was fought at Degſaſtan, which Bede calls a moſt famous place, perhaps from the fame of that battle; but it is now wholly unknown. There is ſome reſemblance to the name in Detchin. Dr. Gibſon, in his explication of names of places ſubjoined to the Saxon Chronicle, thinks it is Dauſton near Carliſle in Cumberland. The biſhop of Carliſle thinks, it was Dawſton near Jedburgh. Smith Not. ad Bed.

frid,

frid, rendered the exerciſe of hoſpitality, towards the young rival of his throne, very hazardous. Hence the exiled prince became involved in great difficulties, and was often obliged to change his habitation. His laſt refuge was at the court of Redowald king of the Eaſt Angles: Redowald was a brave prince, but Ethelfrid had far more power; and the danger from this power was greatly increaſed by its propinquity. The Northumbrian king employed both promiſes and threatenings, to induce Redowald to deliver up Edwin into his hands. The danger at laſt appeared ſo imminent, that Redowald reſolved for his own ſafety, to deliver up the unhappy refugee, notwithſtanding the promiſes of protection he had given to Edwin, upon his arrival at his court. At this critical moment Redowald's queen interpoſed, and repreſented to her huſband, in ſuch horrid colours, the baſeneſs of the deed he was about to commit, that he altered his purpoſe, and reſolved to run all hazards, rather than thus ſtain his honour and truth. Accordingly, having abſolutely rejected all Ethelfrid's inſtances, he led an army againſt him with great expedition; placing his hopes of ſucceſs in a ſudden and vigorous attack. Ethelfrid diſdaining to be thus braved, met his adverſary near the river Idle, in Nottinghamſhire, with an inferiour force; and fell, fighting bravely in the field of battle, after having reigned twenty-four years. Edwin, who had a great ſhare in obtaining this victory, was at once raiſed by it, to the poſſeſſion of all the dominions of Ethelfrid, whoſe ſons were obliged to abandon their father's kingdom and ſeek refuge in Scotland. Eugene, ſirnamed Buyd, the ſon of Aidan, reigned there; and notwithſtanding the fatal overthrow given about fourteen years before by their father to his, he received and entertained them with much hoſpitality. Edwin, exalted to power in mature years, and his virtues and talents having undergone the diſcipline of adverſity, ſoon became the greateſt prince of the Heptarchy. He was one of thoſe, who, by reducing to a ſtate of dependence the other kingdoms, attained the dignity and title of *Monarch*; and was the fifth who was diſtinguiſhed by that appellation. It is related, that he ſubjected to his government, the whole of Britain inhabited either by the Britons or Saxons, and reduced the Iſles of Man and Angleſey under the power of the Engliſh. But a principal part of the eminence and fame of Edwin, aroſe from his being the firſt chriſtian king of Northumberland. About twenty years before the beginning of Edwin's reign, Ethelbert king of Kent, and his ſubjects, had been converted to the chriſtian faith, by the miniſtry of the Monk Auguſtine, who was ſent for that purpoſe from Rome by Pope Gregory, ſirnamed the Great. Ethelbert, having married Bertha a chriſtian princeſs, the daughter of Caribert king of Paris, permitted her the free exerciſe of her religion; and it was chiefly the zeal of that princeſs, and her influence with her huſband, that procured the miſſion of Auguſtine, and his favourable reception at the court of Kent. A like influence operated with equal ſucceſs in the firſt converſion of the Northumbrians to chriſtianity. Edwin, during his exile, had taken to wife Quenburg, daughter of Ceorl king of Mercia, who bore him two ſons Osfrid and Edfrid: but after her death and his own advancement to the Northumbrian throne, he ſolicited

Chron. Sax. A. D. 617.

Ford. l. 3.

Bed. l. 2. c. 5, 6, 9.

Eadbald, who had ſucceeded his father Ethelbert in the kingdom of Kent, to give him his ſiſter Edelberga to wife. This requeſt could no otherwiſe be obtained, than on the condition that the princeſs, with all her attendants, ſhould have entire freedom to obſerve the chriſtian faith and worſhip. Edwin readily engaged to grant the deſired liberty; and even expreſſed a willingneſs on his own part, to be inſtructed in the chriſtian doctrine. Appearances ſo promiſing, encouraged the king of Kent to ſend along with his daughter an eminent churchman named Paulinus, who before his ſetting out, was
A. D. 625. Bed. l. 2. c. 9. ordained a biſhop by Juſtus archbiſhop of Canterbury. Edwin is celebrated for making the merits and evidences of chriſtianity the ſubject of his ſerious
A. D. 627. Ib. c. 14. and mature examination, before he determined to embrace it. He firſt allowed Paulinus to baptize Eanfled, his infant daughter by Edelberga, and about a year after was baptized himſelf at York, in a church built haſtily of wood, and dedicated to St. Peter. He appointed York to be the ſeat of Paulinus's biſhoprick; and by the advice of that prelate, ſet about building a large * church of ſtone, incloſing and comprehending within it the wooden fabric juſt mentioned. Edwin's converſion was accompanied with that of his family and nobles, together with a great multitude of his other ſubjects. During the remaining ſix years of his reign, Paulinus laboured with apoſtolical diligence and ſucceſs, in converting the Northumbrians. It is peculiarly related, that while he attended the king and queen at one of their royal manors called † Adgebrin, ſituated in the province of the Bernicians, he was wholly employed during thirty-ſix days, from morning to evening, in inſtructing the people, who flocked to him from all the neighbouring places and villages, and afterwards baptiſing them in the neighbouring river of Glen.

A. D. 633. Bed. l. 2. c. 20. But theſe promiſing beginnings of chriſtianity among the Northumbrians ſoon underwent a ſad reverſe. For Penda, king of Mercia, a very ambitious and warlike prince, envious of Edwin's greatneſs, and diſdaining to pay him tribute, entered into a league againſt him with Cadwallo, a king of the Britons of a character much reſembling his own, and who by Penda's aid had lately recovered the poſſeſſion of his dominions. Theſe princes invaded the Northumbrian kingdom with a very numerous army. Edwin, perhaps not aware of their preparations, encountered them, with a much inferior force, in the foreſt of Hatfield in Yorkſhire, where his courage and conduct promiſed, for ſome time, to ſupply the defect of *his* numbers: but Osfrid his eldeſt ſon being ſlain at his ſide by an arrow, he ruſhed, in the madneſs of his grief and reſentment, into the thickeſt of his foes, and, being

* This was finiſhed and burnt *anno* 1069. Being rebuilt by the archbiſhop Thomas *the elder*, it was again burnt in 1137. At laſt in the time of Edward I. under Treaſurer John, and the archbiſhops Romanus, Melton, and Thoreſby, it was advanced to its preſent grandeur. Smith in Not. ad Bed. p. 95.

† From the reſemblance of the name, and neighbourhood of the Glen; Camden ſuppoſes this place to have been ſituated where the preſent village of Yeverin ſtands. This royal reſidence, as Bede immediately adds, was deſerted in the time of the following kings; and another built in its ſtead at Melmin, which, according to Camden, is the ſame with Milfield.

Camden, vol. ii. p. 1097.

pierced with many wounds, loſt at once the victory and his life. The two conquerors ravaged and deſtroyed the Northumbrian dominions without mercy, eſpecially Cadwallo, who, though a chriſtian, ſhewed no regard to the new converts. Paulinus fled with the queen and the children ſhe had born to Edwin, into Kent, where the queen became the Abbeſs of a monaſtery, and Paulinus biſhop of Rocheſter. Edfrid the ſecond of Edwin's ſons ſurrendered himſelf to Penda; by whom he was put to death. Edwin's ſon by Edelberga, and grandſon by his ſon Osfrid, were carried by the queen into Kent; and thence ſent over to France, where they died in their infancy, and ſo the male line of Edwin became extinct.

The deſtruction of Edwin and his family, and the calamities that followed, were the occaſion of the Northumbrian provinces being again divided into two kingdoms. Oſric, the ſon of Elfric, brother to Ella the father of Edwin, was acknowledged as heir to the throne of Deira; while Eanfrid the ſon of Ethelfrid returning from Scotland, where he had together with his brothers, and many of the young nobles of the Northumbrian kingdom, remained in exile ſince the beginning of Edwin's reign, mounted the throne of Bernicia. Oſric had been one of Paulinus's converts to the chriſtian faith; and the ſons of Ethelfrid had been inſtructed in that religion, and received baptiſm in Scotland. Donald, ſirnamed *Brek*, who then reigned in that kingdom, actuated by a zeal for the chriſtian religion, which prevailed over his prejudices againſt the Saxons, ſent home his Northumbrian gueſts, accompanied with a numerous band of Scottiſh warriors. But each of the new kings relapſed after their exaltation into heatheniſm, and their reigns were very ſhort. Cadwallo, the great enemy of the Northumbrians, being raſhly beſieged in York by Oſric, ſallied ſuddenly forth, and deſtroyed almoſt all the beſieging army together with their king. Afterwards, Eanfred, coming without due precaution towards Cadwallo to treat of peace, was alſo cut off by that tyrant. Both theſe kings fell in the firſt year of their reign. But Oſwald, another ſon of Ethelfrid, by Acca the ſiſter of Edwin, had the honour of revenging the ſufferings of his country and untimely fall of its kings. For having with a ſmall but reſolute band attacked Cadwallo at the head of a mighty army, at a place called * Heaumfield on the north of the Roman wall, not far from Hexham, the tyrant was ſlain and † his army wholly diſcomfited. In conſequence of this great ſucceſs, Oſwald became king of all Northumberland; and attained to a degree of honour and power far ſurpaſſing what any of his predeceſſors in that kingdom had enjoyed; his dominion being ſubmitted to, not only by the Saxons and Britons, but alſo by the Scots and Picts.

Bed. l. 3. c. 1.

Bed. l. 3. c. 6.

* Now probably Bingfield. Smith's App. to Bede, No. 13.

† Fordun, following Adamnanus, aſcribes Oſwald's victory to the protection of St. Columba, and the encouragement which that Saint gave him, in a viſion preceding the battle; and relates that Oſwald, in teſtimony of his gratitude, built churches and oratories in honour of Columba, in ſeveral places of his kingdom; as at Lindisfarn, Topleſwale, and elſewhere. Scot. Chron. c. 22. 49.

Bed. l. 3. c. 3. Oſwald was a zealous Chriſtian; and it was one of his firſt and chief cares to have his people inſtructed in the true religion, which, during the ſhort reign of Edwin in Northumberland, had not taken ſufficient root, to be able to reſiſt the late ſtorms. The natural reſource of Oſwald for the inſtruments of carrying on this work, was the country where he himſelf had been educated in the chriſtian faith. Accordingly, he applied to thoſe, who preſided in matters of religion among the Scots; who having conferred epiſcopal ordination, on Aidan a monk of their chief monaſtery of Icolmkill *, ſent him into Northumberland. Oſwald gave him a moſt favourable reception, and at Aidan's own deſire aſſigned him for the ſeat of his biſhop-
A. D. 635. rick, the ſmall iſland of Lindisfarn †, a ſituation reſembling that of the famous ſeminary which he had left. The pious zeal, auſtere life, and paſtoral virtues of Aidan were very illuſtrious; and the affection and regard which Oſwald ſhewed him, were proportioned to his extraordinary merits. The king, during his long exile among the Scots, having acquired a perfect knowledge of their language, was often at pains to explain the ſermons and diſcourſes of Aidan to his courtiers. So favourable a diſpoſition in the Engliſh king, encouraged many other Scottiſh monks to come into Northumberland, who applied themſelves with great diligence to inſtruct and baptize the ignorant pagans; Oſwald, for their encouragement, erecting churches and convents, and endowing them with lands and revenues. But the reign of this hopeful young prince came ſoon to a period. For Penda king of Mercia, who was ſtill a pagan, and entertained the ſame indignant jealouſy of Oſwald's greatneſs, as he had formerly done of Edwin's, led an army againſt him; and put an end to his life and reign, in a battle fought at
A. D. 642. 5 Auguſt. Maſerferth, afterwards called Oſweſtree, in Shropſhire. Penda, after his victory, ravaged all Northumberland, and penetrated as far as the royal reſidence of Bamburgh. Having in vain attempted to reduce this ſtrong place by a ſiege, he collected a great quantity of wood and other combuſtibles, the ruins of villages deſtroyed in the neighbourhood, of which he made a vaſt pile near the walls; and ſetting fire to it at a time when the wind favoured his deſign, he attempted to burn the place. But the wind ſuddenly changing drove the flames upon the beſiegers, ſcorching ſome, and terrifying all; after which they immediately abandoned their enterpriſe. This deliver-

* This iſland was originally called *I* or *Hii*. The addition, *Colmkill*, expreſſes its being the ſeat of Columba, who, in the year 565, came over from Ireland to convert the Northern Picts to the chriſtian faith, and received this iſland from them, for erecting a monaſtery. Bed. l. 3. c. 4. Ninian, a Briton, had long before converted the Southern Picts, and built the church of Candida-Caſa, ſacred to St. Martin, which in Bede's time was ſubject to the Engliſh. Bed. ibid. Ninian is related to have gone to Rome, *anno* 370, in the time of Pope Damaſus, and to have been ordained a biſhop to the Britons by Siricius, *anno* 394. On his return he paid his reſpects to St. Martin; and on this occaſion dedicated his church to him, as was uſual in thoſe times. He died at Canda-Caſa or Whitherne *anno* 432, which was the year of St. Patrick's arrival in Ireland, as Palladius in the preceding year had come to Scotland. Smith ad Bed. p. 106.

† Bede's deſcription of Lindisfarn, afterwards called Holy Iſland, is; *Qui locus accedente ac recedente reumati, bis quotidie inſtar inſulæ maris circumluitur undis, bis renudato littore contiguus terræ redditur.*

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ance was aſcribed to the prayers of Aidan biſhop of Lindisfarn; who, for the ſake of a more retired devotion, ſojourned at that time, as he was often wont, in one of the Farne Iſlands. Oſwald's great zeal for the converſion of his people, his benignity to the monks, and his being cut off by a pagan prince, who cruelly mangled his dead body, procured him the honours of a * ſaint and a martyr. His arms were preſerved as relicks in St. Peter's church at Bamburgh, and were believed to remain † incorrupted, by virtue of a bleſſing pronounced on them by Aidan for being the inſtruments of a ſignal charity to the poor. Oſwald had taken to wife Eanfleda, the daughter of Edwin, and left by her a ſon in his childhood, but Oſwy Oſwald's brother ſucceeded him in the kingdom. His government however extended only at firſt over Bernicia; Oſwin the ſon of Oſric, who had been ten years an exile among the weſt Saxons, obtaining poſſeſſion of the kingdom of Deira, which his father, as was above related, had held for a very ſhort period after the death of Edwin. Oſwin's generoſity, and other virtues, greatly endeared him to his ſubjects; but could not defend him againſt the ambition and ſuperior power of the king of Bernicia. The two princes took the field with their armies, in order to decide their quarrels; but Oſwin perceiving his forces greatly inferiour, and unwilling that their blood ſhould be ſhed in vain, diſmiſſed them, and ſought concealment, until better times, in the houſe of Earl Hunwald, a nobleman on whoſe fidelity he entirely relied. But Hunwald baſely betrayed him, and by Oſwy's command, he was cruelly put to death in the ninth year of his reign. On the account of his many virtues, particularly his wonderful humility, Oſwin was greatly beloved by Aidan biſhop of Lindisfarn, who ſurvived him only twelve days. It would ſeem that Oſwin did not know his own ſtrength, or wanted the talents neceſſary to employ it with effect. For after his death, Oſwy was not able to eſtabliſh his dominion over the Deirans; who placed Adelwald the ſon of Oſwald on their throne.

Bed. l. 3. c. 6. Malmeſ. l. 1. c. 3.

Bed. ib. c. 14.

A. D. 651. 20 Auguſti. Bede.

* According to Malmeſbury, Oſwald gave the firſt fruits of ſaintſhip to his nation; no Angle before him having had the glory of working miracles. Many of theſe are related by Bede to have been performed by Oſwald's relicks.

† Aidan being ſeated at table with the king on Eaſter-day, one of the king's ſervants who had the charge of the poor, informed him that there was a multitude of poor in the ſtreets, begging the royal alms: on which the king immediately ordered the meat on his table to be diſtributed to the beggars, and a ſilver platter, on which the meat was ſerved up, to be broken into pieces, and theſe, to be diſtributed in like manner, on which the biſhop ſeizing his right hand, prayed that it might never grow old. And ſo it came to paſs, for his hands being cut off, after he was ſlain, together with his arm, they have hitherto remained incorrupted, and are preſerved in the royal city, which from the ancient name of a queen is called Bebba, incloſed in a ſilver coffer in St. Peter's church, where due veneration is paid them by all. Bed. ib.

Simeon of Durham, or Turgot, ſays, that Oſwald's head, was buried in the church of Lindisfarn, and was afterwards kept in the ſame ſhrine with the incorrupted body of St. Cuthbert. He adds, that his hands and arms were buried in the royal city, *viz.* of Bamburgh: the right hand and arm evidencing the power of Aidan's wiſh or prayer, and ſhewing by their incorruption, even to the age of Simeon (i. e. the reign of Henry I.) the merit of both the king and the biſhop. Sim. Hiſt. Dun. Ecc. c. 1, 2.

Penda,

Bed. l. 3. c. 24. Penda king of Mercia, though very old, continued ſtill the terror and ſcourge of his neighbours. His malignity againſt the Northumbrians in particular, was inveterate and irreconcilable, and threatened the utter deſtruction of that people. He had been haraſſing them by renewed deſolating incurſions ever ſince the death of Oſwald; and Oſwy finding himſelf an unequal match for him in the field, endeavoured in vain to bribe him to be quiet, by offering him his royal ornaments, and other preſents of great value. But the extremity of oppreſſion at laſt provoked a reſiſtance that proved its remedy. Oſwy, accompanied by his ſon Alchfrid, is ſaid to have encountered Penda, with a thirtieth part of the numbers which followed that tyrant to the field. For, beſides the forces of his own kingdom, Penda was alſo accompanied with Edilheſe king of the Eaſt Angles, and Adelwald king of Deira, who awed by his greatneſs had entered into a league with him againſt Oſwy. But in the beginning of the battle Adelwald retired with his army and waited the event in a place of ſafety. This circumſtance could not fail to give courage to the Bernicians, who, attacking their adverſaries
A. D. 655. with irreſiſtible courage, obtained a complete * victory. Penda fell in the field in the 80th year of his age, together with Edilheſe his ally, almoſt all his chieftains, and a vaſt number of their followers. Oſwy, in conſequence of this victory, became maſter of Mercia, and held it three years; after which the nobles of that nation expelling thoſe who governed it under Oſwy, raiſed Wulfher the ſon of Penda to the throne.

Between the time of Oſwy's victory over Penda and the year 664, Adelwald king of Deira died; and after his death Oſwy ſeizing the kingdom of Deira, retained to himſelf the adminiſtration of it; and appointed his ſon Alchfrid to be king of Bernicia under him. In the year juſt named, a
Bed. l. 3. c. 25. council was held at Whitby in preſence of the two Northumbrian kings, for determining the proper time of celebrating Eaſter; a queſtion, which, in thoſe days, was eſteemed of the utmoſt importance. The Britons, Scots, and Picts, who had been all inſtructed in the chriſtian faith and worſhip by miſſionaries from France and Rome, a century or two before the converſion of the Saxons, had been taught to keep their Eaſter, agreeable to the method of computation, which at that period prevailed in the Roman church. But after that time, the biſhops of Rome, and almoſt all the churches on the continent, had thought proper to adopt a different calculation; with which the troubles of Britain, and its diſtance from Rome, had hindered the church of that iſland from being acquainted. In the mean time they had acquired for their own cuſtom, that zeal and attachment which is uſual in all matters connected with religion. Auguſtine the apoſtle of the Saxons in Kent,

* The monks aſcribed this extraordinary victory to a vow made by Oſwy before the battle. If the Pagan, ſaid he, knows not how to accept our offerings, let us preſent them to him, who knows it well, to our Lord God. And ſo he immediately vowed to conſecrate his daughter to God, as a ſacred virgin, and to give twelve portions of land, for erecting the like number of monaſteries. After his victory, he fulfilled his engagement, by building and endowing the monaſteries, and ſending his daughter Elfleda to be educated a Nun in the monaſtery of Whitby, whereof ſhe died Abbeſs at the age of ſixty years. Bede, l. 3. c. 24.

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had endeavoured in vain to bring the Britiſh biſhops of Wales, to a conformity to the Roman rule; and the Scots and Picts were equally averſe to deviate from the eſtabliſhment of Columba and Ninian, whom they honoured as ſaints, and whoſe memory they held in the higheſt veneration. This difference between the Roman and Britiſh cuſtom, produced a ſtriking incongruity in the court of Oſwy. That prince had married Eanfled the daughter of king Edwin, who, after the defeat and death of her father, was carried by Paulinus into Kent, and educated there in the rites which that church, through its founder Auguſtine, had derived from Rome. Eanfled, and her Kentiſh attendants of conſequence, obſerved the Roman Eaſter; and hence it ſometimes happened, that while the king was celebrating that feaſt, according to the computation of the Scots, who had been the inſtructors of him and his people, the queen was ſtill in the middle of the mortifications of Lent, keeping Palm Sunday. Bed. l. 3. c. 25.

The only biſhops of the Northumbrians, ſince the revival of Chriſtianity amongſt them, in the beginning of Oſwald's reign, were a ſucceſſion of Scots in the ſee of Lindisfarn. Aidan, the firſt of theſe, held that biſhoprick ſeventeen years. His ſucceſſor Fenan, ſent alſo from Scotland, and ordained in that country, held it ten years. He built a church in Lindisfarn, which according to the manners of thoſe times was judged fit for the ſeat of a biſhop. It was built in the Scottiſh faſhion, of beams and planks of oak, and was covered with reeds. Theodore archbiſhop of Canterbury, in one of his viſitations, dedicated it to St. Peter, and Eadbert, the immediate ſucceſſor of St. Cuthbert, covered both the roof and walls with plates of lead. Finan's immediate ſucceſſor was Colman, in the third year of whoſe prelacy, was held the council of Whitby. Colman had the ſame attachment as his predeceſſors to the Scottiſh Eaſter, and appeared at the council with his clergy, who were almoſt all his countrymen, in defence of the ancient mode of his mother church. The principal champion of the Roman cuſtom was Wilfrid, who had been an inſtructor of the young king Alchfrid in matters of religion, and had gained a great aſcendant over him. Wilfrid was a Northumbrian by birth, of honourable parentage, educated a monk in the Convent of Lindisfarn, and had, by travelling to France and Rome, acquired the learning of that age, and a particular acquaintance with the rites and canons of the Roman church. He alſo acquired a high reliſh for the riches, pomp, and ſplendour, he had ſeen in the foreign churches. This education, concurring with a haughty, ambitious, and intractable ſpirit, rendered Wilfrid a moſt notorious troubler of the peace of the Engliſh churches, and a principal inſtrument of ſubjecting them to the uſurpations of the Roman Pontiffs. The queſtion concerning Eaſter was agitated between Colman and Wilfrid with much more zeal than knowledge. The authority derived from Peter to his ſucceſſors in the ſee of Rome, was inſiſted on by Wilfrid, as the chief ſupport of his cauſe; and the idea of Peter keeping the keys of heaven, and excluding thoſe who failed of their duty to him or his ſucceſſors, made ſuch an impreſſion on the imagination of Oſwy, that this prerogative, which was allowed by the diſputants of both ſides, determined the

664. Bed. l. 3. c. 25. Smith App. ad Bed. No. 9. p. 703.

the king to declare for the Eaſter that he believed to be moſt agreeable to the prince of the apoſtles. But neither Wilfrid's arguments, nor the king's authority, were ſufficient to move Colman to abandon what he thought the right way. He forſook his biſhoprick, and returned to his own country; carrying along with him part of the relics of Aidan *, and accompanied by almoſt all the Scottiſh prieſts and monks, who had ſettled in Northumberland. Tuda, another Scot, who, having received his education and ordination in Ireland, obſerved the Roman cuſtom, ſucceeded Colman; but died ſoon after of the plague, which at that time made great havock in Northumberland; and in Tuda ended the ſucceſſion of Scottiſh biſhops in the ſee of Lindisfarn, thirty years after its commencement †.

Bed. l. 3. c. 26.

The teſtimony borne by Bede to this ſucceſſion of Scottiſh biſhops is very honourable; and as it gives a view of the ſtate of the country and the manners of the times, it deſerves to be tranſmitted. Their parſimony and continence, he ſays, appeared from the place of their reſidence, in which, at their leaving it, there were very few houſes, beſides the church; no more than thoſe neceſſary for the ſimpleſt accommodation. Their poſſeſſions conſiſted wholly in cattle; for if they got money from the rich, they immediately diſtributed it to the poor. And there was no need of either providing money or houſes for entertaining the great men of the country; who never came to the church, for any other purpoſes, but thoſe of devotion and hearing the word. The king himſelf * on ſuch occaſions came thither, with only five or ſix ſervants, and departed immediately after finiſhing his devotions in the church. And if at any time he and his attendants took a refreſhment there, they were contented with the ſimple daily food of the monks, and deſired nothing more. For the whole attention of theſe teachers, was employed in the ſervice of God, and not about worldly gains; their whole care was beſtowed on their *hearts*, not on their *bellies*. Whence the religious habit was at that time in great veneration; ſo that wherever any prieſt or monk arrived, he was welcomed with joy as the ſervant of God; even when he was obſerved on the road, the people ran to him and bowing their heads, joyfully received from him his benediction, or the ſign of the croſs; at the ſame time, liſtening reſpectfully to his advices and inſtructions. On Sundays they flocked to churches or monaſteries, not for the food of their bodies,

* Reſiding no doubt at Bamburgh.

* The remainder of theſe relics of Aidan he left in the church of Holy Iſland, commanding them to be buried in *Secretario ejus*, (ſo Bede). Yet the monks of Glaſtonbury pretended that the body of Aidan was buried with them: and it ſeems that this pretence was not wholly without foundation: for a MS. of John Weſſington, Prior of Durham, ſays, that King Edmund, in his northern expedition, carried off to Glaſtonbury ſome of the bones of Biſhop Aidan.

Smith Not. ad Bed. p. 135.

† There was alſo a difference between the churches on the continent, and the ancient churches in Britain, in the manner of the clergy clipping their hair. The former had adopted the faſhion of making bare the crown of the head; ſo as to make the hair that ſurrounded the bare part, repreſent, as they imagined, our Saviour's crown of thorns. The latter clipped the hair on the forehead from ear to ear. The diſpute concerning theſe faſhions of the clerical tonſure, was agitated with little leſs warmth than that concerning Eaſter, and the Scottiſh clergy were equally tenacious of their old cuſtom in the one as in the other.

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but to hear the word of God. And if any prieſt happened to come into any of their villages, the inhabitants inſtantly aſſembling, requeſted of him the word of life. Nor had the prieſts and clerks any other end in going to theſe villages, than to preach, baptize, viſit the ſick, and, in one word, to take care of ſouls; and ſo remote were they from all *contagion of covetouſneſs*, that none of them would accept of territories and poſſeſſions for building monaſteries, unleſs compelled to it by the powerful men of the ſtate; which cuſtom remained in all points the ſame, for ſome time after, in the churches of the Northumbrians. Such was the ſtate of the Northumbrian church about ſeventy years before Bede wrote his hiſtory: but in this account, he evidently enough hints the degeneracy that had ſince taken place; which he explains more fully in his letter to Egbert archbiſhop of York.

Ab omne avaritiæ peſte.

Oſwy was not only ſucceſsful in his wars againſt the Mercians, but made conqueſts alſo on the other ſide, over the Scots and Picts; ſubjecting and rendering tributary to him the greateſt part of their country. It ſeems ſufficiently evident that theſe conqueſts could not have been made, till after the deſtruction of Penda the Mercian, and it is not improbable that the religious differences which occaſioned the retreat or expulſion of the Scottiſh and Pictiſh clergy *, had an influence in producing thoſe wars, which were attended with ſo much ſucceſs on the ſide of the Engliſh. Six years after the council of Whitby, Oſwy died; and his ſon Alchfrid, whom he had aſſumed as his partner in the kingdom, being dead before him, Egfrid another of his ſons ſucceeded to all his dominions.

Bed. l. 2. c. 5. l. 3. c. 24.

A. D. 670. 15 Feb.

Egfrid was a warlike prince, and ſucceſsful in ſeveral of his enterpriſes. The Picts attempting to free themſelves from the yoke impoſed upon them by Oſwy, and for this purpoſe having collected a great army out of all the northern parts of the iſland, received a total defeat from Egfrid; wherein the ſlaughter was ſo great, that two rivers being filled with the dead bodies of the vanquiſhed, the victors are ſaid to have paſſed over them dry ſhod. Egfrid alſo conquered Lincolnſhire, then a part of the Mercian kingdom: but though he was driven out of this province five years after, he was not thereby diſcouraged from invading and ravaging Ireland. In the year after his Iriſh expedition, he invaded the territories of the Picts; but theſe people, by appearing to fly before him, having decoyed him into a tract of country, full of inacceſſible mountains, ſuddenly ruſhed from their retreats, and cut in pieces the king himſelf †, with the greateſt part of his army. The Picts, in

Eddius Vit. Wilfr. c. 17.

A. D. 679.

A. D. 684.

* The return of Co'man and his clergy to their own country, happened in the firſt year of the Scottiſh King Maldwin; and Fordun aſcribes it to the bad treatment they had received, that there was little peace betwixt the Scots and Northumbrians, during all Maldwin's reign: but the war was carried on by mutual deſolating incurſions, without any general action, whoſe memory has been tranſmitted to poſterity. Ford. vol. i. p. 154.

† According to the Appendix to Nennius, Egfrid was killed by Brude, who was king of the Picts, and commanded them in this battle. Gale, vol. i. p. 126.

Bede, in his life of St. Cuthbert, relates, that the Saint foretold this tragical end of Egfrid, the year before it happened, to the king's ſiſter Elfled, who was abbeſs of the Convent at Carliſle,

A. D. 685. May 20. in conſequence of this victory, recovered their lands on the ſouth of Forth, which the Northumbrians had for ſome time held in ſubjection. The Scots alſo, who bordered on the Northumbrian kingdom to the weſt, and ſome part of the Britons, regained their liberty; nor did the Northumbrians ever after recover this heavy blow, or regain that aſcendant over their neighbours, which they formerly poſſeſſed.

It was chiefly during the reign of Egfrid, that the monk Cuthbert became eminent by his zeal and wonderful auſterities, which, joined to the tales of his miracles, and of his dead body remaining incorrupted, raiſed him to the firſt place among the Engliſh ſaints. While he tended as a ſhepherd in the night his maſter's flocks on the ſide of Leder, and was praying with his body in the form of a croſs, he fancied he ſaw the ſoul of biſhop Aidan aſcending in triumph to Heaven, encompaſſed with a choir of angels. This viſion made ſuch an impreſſion on him, that next morning he reſigned to his maſter the charge of his flock, and became a monk in the neighbouring monaſtery of * Mailros. That monaſtery was then governed by a diſciple of Aidan named Eata, who was one of the twelve Engliſh youths whom Aidan had taken the charge of inſtructing in the chriſtian faith, on his firſt admiſſion to the ſee of Lindisfarn. The prior of the monaſtery, or he who had the charge of governing and inſtructing the monks under Eata, was † Boiſel, a man renowned for his ſanctity and prophetic ſpirit. Cuthbert was the chief favourite of his maſter Boiſel, and ſoon became eminent for his extraordinary virtues and progreſs in ſacred learning. And when his Abbot Eata, ſome years after, received from king Alchfrid ground and revenues for erecting a monaſtery at Rippon in Yorkſhire, Cuthbert was one of the colony whom Eata carried from Mailros to this new ſeminary, and who held an honourable place in it. But theſe monks acting in the ſpirit of Colman, choſe rather to abandon their monaſtery, than to conform to the

Bed. Vit. Cudb. Sim. Dun. H. D. E. l. 1.

Boſel, Ford.

Vit. S. Cudb. c. 7.

and had come to viſit Cuthbert; who, attended by ſome of the brethren at Lindisfarn, met her in the Iſle of Coquet, which was alſo at that time a reſidence of monks. V. S. Cudb. c. 24. Cuthbert, being at Carliſle, which was part of his dioceſe, at the time the battle was fought, declared to thoſe about him the unfortunate event. Ib. c. 27.

Simeon of Durham ſays, that Egfrid was killed at Nectans-mere, which Goodall thinks is Nenthorn-loch, in the county of Mers, and thence infers, that the extent of the Pictiſh kingdom to the ſouth, was the ſame with that of Scotland in later times. But the ſmall reſemblance of names ſeems to be outweighed by other conſiderations; for why ſhould Egfrid lay waſte a country in his own poſſeſſion, and which the Picts are ſaid to have recovered in conſequence of his defeat and death? Or is it probable that Egfrid and his army could be ignorant of a country ſo near Northumberland, and which during all his reign had been ſubject to him? Neither doth the face of the country anſwer to the faſtneſſes of inacceſſible mountains, which Bede ſpeaks of; the hills of the neighbourhood being of a very moderate height. Theſe circumſtances make it more likely, that Egfrid received this overthrow at a much greater diſtance from the preſent frontier of Northumberland. It is even probable, that he was ſlain ſomewhere in the Highland-country, from his being buried, as Simeon, or rather Turgot, relates, in the Iſle of Hii. (Hii Inſula Columbæ.) H. D. E. l. 1. c. 9.

* Melroſe is the preſent ſpelling. The author often chuſes to follow the ſpelling of his authorities.

† The ſaint, no doubt, from whom the church of St. Boſels, about two miles farther down the Tweed than Mailros, and on the ſame ſide, has its name. His body and clothes were preſerved among the Durham relics. Sim. Dun. Hiſt. Ecc. Dun. Contin. Decem Scriptores. p. 68.

Roman

Roman mode of keeping Eaſter; and returning to Scotland, Alchfrid gave their monaſtery to his favourite Wilfrid. Soon after their return to Mailros, Boiſel dying, Cuthbert was made prior of the convent in the room of that ſaint. In this office he not only diſcharged his duty, in the moſt exemplary manner, to the monks under his inſpection, but was moſt laborious in preaching the word to the inhabitants of the adjacent country; travelling ſometimes on horſeback, but for the moſt part on foot, and ſpending whole weeks together, inſtructing the ignorant and ſuperſtitious inhabitants of the wild and mountainous tracts, which others could not enter without horror. After he had exerciſed his office for ſome years at Mailros *, his abbot Eata was, at the deſire of Colman, when he retired to Scotland, promoted to be abbot alſo of Lindisfarn, and Cuthbert was removed by him from Mailros, to be his prior in this new charge. Here he regulated his conduct by the ſame maxims, and maintained the ſame high reputation as before †. But after he had ſpent more than twelve years in this monaſtery, aſpiring to what, according to the ideas of thoſe times, was the higheſt ſummit of perfection, he abandoned his monaſtery, and lived an anchoret or hermit in Farne Iſland. There he ſpent ſeven or eight years, having reared a wall round his little cell and oratory, that cut off the view of every thing but the face of heaven ‡. But though he had ſoon cleared his retreat of the evil ſpirits

A. D. 661.

Bed. l. 5. c. 21. Smith's Notes; alſo Matt. Weſt.

A. D. 664.

Vit. S. Cudb. c. 16.

* While he was prior of Mailros, Abbe, the uterine ſiſter of King Oſwy, was Abbeſs of Coldingham; who, moved by the fame of St. Cuthbert's virtues and miracles, requeſted from him a viſit to her monaſtery for the benefit of his exhortations. In compliance with the royal Virgin's deſire, Cuthbert ſpent ſome days at Coldingham, the ſituation of which, nigh the ſea, afforded him an opportunity of a new ſpecies of the auſtere devotion, for which he was ſo much renowned. For retiring ſilently from the monaſtery, when all had gone to ſleep, he went down to the ſea, where ſtanding up to the neck in water, he ſpent the night in prayer and praiſes, until the time of the morning devotions in the monaſtery approached. One of the monks, having diſcovered that the ſaint left the monaſtery in the night, had the curioſity to trace his ſteps and obſerve him from ſome hidden place on the ſhore, where he was a witneſs, as he related, after the ſaint's death, not only to the circumſtances mentioned above, but when Cuthbert came out on the ſhore, and with bended knees began to renew his devotions there, the ſame relater obſerved two ſea-calves come forth from the deep, and approaching the ſaint, warmed his feet with their breath, and wiped them dry with their ſkins: after performing which, duty and receiving the ſaint's benediction, * they plunged themſelves into their native deeps. Bed. Vit. S. Cudb. c. 10.

* Patrias ſunt relapſa ſub undas.

† He was remarkable for unſhaken ſerenity of temper, and meekneſs of behaviour, by preſerving which, and perſevering in his admonitions, he overcame the oppoſition of refractory brethren, and brought them to ſubmit to the ſtrict monaſtic rules. In his dreſs, he was neither nice nor ſordid; and in imitation of him, no garments were uſed in that monaſtery of various or coſtly colours, but were for the moſt part of the natural colour of the wool. Vit. Cudb. c. 16.

‡ There was alſo a greater houſe near the landing-place, in the Farne Iſland, where the brethren who came to viſit him lodged, and a fountain at a ſmall diſtance, which ſupplied them with water. Vit. S. Cudb. c. 17.

Cuthbert was ſucceeded in his hermitage in Farne Iſland by Ethelwold, a monk and prieſt of the monaſtery of Rippon. Ethelwold lived twelve years in that retreat, and was buried in St. Peter's church in Holy Iſland, beſide the bodies of the biſhops of that ſee. Felgild ſucceeded Ethelwold, and in the time of that hermit, Eadfrid, biſhop of Lindisfarn, reſtored from its foundations the oratory of St. Cuthbert, which had fallen into utter diſrepair. Bede relates, that Felgild, the third heir of the ſame place and ſpiritual warfare, was more than ſeventy years old, at the time of his (Bede's) writing the life of St. Cuthbert. Beſides thoſe mentioned by Bede, there were other monks who

Vit. S. Cudb. c. 46.

ſpirits that haunted it, and made the barren rocks produce him both bread and water, yet he was not able to reſiſt a combination, formed by his fellow mortals, to draw him back again into the world. A council held in the laſt year of the reign of Egfrid, at a place called Twyford on the Alne, where the king was preſent, and in which Theodore archbiſhop of Canterbury preſided, made choice of Cuthbert to be biſhop of Hexham, in the room of Thumbert, whom Theodore had lately depoſed. But the king was obliged to go in perſon over to Cuthbert's hermitage, and to join his entreaties to thoſe of many noble and pious perſons in his company, and of the brethren of the monaſtery of Lindisfarn, before the holy anchoret could be perſuaded to accept of the epiſcopal office. Eata, his abbot, had been for ſeven years biſhop of Lindisfarn; but Cuthbert, on account of his better acquaintance with the dioceſe of this iſland, preferring it to that of Hexham, Eata was removed to Hexham, where he had been biſhop before, and Cuthbert was, on the Eaſter-day following, conſecrated biſhop of Lindisfarn, in the Cathedral of York, by Theodore of Canterbury, and ſeven other biſhops. During the ſhort remainder of his life, which was only about two years *, he adorned his ſtation by all the virtues of a good biſhop; and finding his end drawing nigh †, he retired to his beloved retreat in Farne Iſland, and there breathed his laſt. His body, which he had granted, before his death, to the earneſt importunities of the brethren of Lindisfarn, was tranſported to that iſland, and buried there in the church of St. Peter: and to complete the evidence of his ſaintſhip, his coffin being opened by the monks eleven years after his

A. D. 684. Sim. Dun. p. 5. Bed. l. 4. c. 28. Vit. S. Cuthb. c. 24.

A. D. 685.

choſe Farne for the place of their retreat. Among theſe was St. Bartholomew, as appears from a manuſcript hiſtory of his life in the Bodleian Library, who obtained leave of Laurence prior of Durham to go to Farne; where he found a brother, called Elwyn, in poſſeſſion, who was ill pleaſed with his coming thither. Bartholomew wrote in his retreat, a book called Farne Meditations, which is ſtill preſerved in the Durham library. It is alſo recorded, that Thomas prior of Durham, in the years 1162, 1163, retired to Farne. His retreat was owing to a controverſy with biſhop Hugh concerning certain liberties, to the diſputing of which he was excited, but afterwards deſerted by his monks. Hugh got him depoſed, upon which he retired to Farne. Alexander II. king of Scots, A. D. 1245, grants and confirms to the monk Henry, and to his ſucceſſor in Ferne-Iſland, 8 *s.* ſterling in free alms; to be received annually out of the farm of his mill of Berwick, inſtead of half a chalder of corn, which he was wont to receive out of the ſaid mill, by virtue of a charter of King William.

Smith in Not. ad Vit. S. Cuthb. c. 46.

* In the courſe of an epiſcopal viſitation, not long before his death, having gone through the higher places *(ſuperiora loca)* of his dioceſe, he came to a monaſtery of virgins, ſituated not far from the mouth of the Tyne, of which, a woman of noble extraction called Veria, who made him a preſent of fine linen, which he kept for his winding-ſheet, was abbeſs; and there miraculouſly changed by his bleſſing water into wine. Cudb. c. 35. He had, while a boy, performed a great miracle at the ſame monaſtery, which was then inhabited by monks; ſome of whom, being carried out to the ſea on certain floats, on which they were bringing wood to the monaſtery, he ſaved by his prayers, from the imminent hazard of being drowned. C. 3.

The Tyne ſpoken of in theſe two miracles, Smith underſtands, of the Tyne in Eaſt Lothian, on which was ſituated the famous monaſtery of Tynningham. But both ſtories being vouched, at firſt or ſecond hand, by brethren in Bede's monaſtery, makes it probable that he means the Tyne in Northumberland.

† He retired to the Iſland of Ferne immediately after Chriſtmas in 686. He was ſeized with his laſt illneſs on the 27th of February following, and died on the 20th of March. His body was carried in a ſhip to Holy Iſland, and buried there in the church of St. Peter on the right hand of the altar, in a ſtone-coffin. C. 37, 40.

death,

death, both the ſaint and his clothes were diſcovered to be as freſh and free from corruption, as at the moment of their interment.

The ſame country and times produced another churchman of a character very extraordinary; and which, in many reſpects, formed a ſtriking contraſt to that of Cuthbert, and of his predeceſſors and maſters the Scottiſh monks. This was * Wilfrid already mentioned; who, after the death of Tuda, the laſt of the Scottiſh biſhops in Lindisfarn, was ſent over by Alchfrid to France, to receive epiſcopal ordination from the hands of the biſhops of that kingdom; who, as to religious rites, were in perfect conformity with the ſee of Rome. It is probable that Wilfrid, on his ſetting out for France, was deſtined to be ſole biſhop of Northumberland, as thoſe of Lindisfarn had been, ever ſince the reſtoration of chriſtianity by king Oſwald in that kingdom. But before his return from the continent, where he tarried a conſiderable time, king Oſwy, by the influence of ſome who envied Wilfrid and favoured the Scottiſh rites, beſtowed the dioceſe of his kingdom, the ſeat of which he ſettled at York, on Chad, abbot of Leſtingham, a Scottiſh monk greatly renowned for his ſanctity. Some years after, Theodore, a learned Greek monk, and, together with the Abbot Adrian, the firſt introducer of good learning among the Saxons, was ſent over by Pope Vitalian to be archbiſhop of Canterbury, and was received by all the Saxon churches as their primate. Theodore, in his firſt viſitation of theſe churches, objected to the ordination of Chad, which he had received, during the vacancy of the ſee of Canterbury, from Wini, biſhop of the Weſt Saxons, aſſiſted by two biſhops of the Britons, who were not in communion with Rome. Chad did hereupon retire to his monaſtery at Leſtingham; but Theodore, moved by his piety and humility, would not ſuffer him to be diveſted of the epiſcopal character, ſupplying the alleged defect in his former viſitation by a new impoſition of hands. On the retiring of Chad, Wilfrid became ſole biſhop of Northumberland, that is, of all king Oſwy's dominions, which extended from the Humber to the Frith of Forth, and had been increaſed by the conqueſt he had lately made of Lincolnſhire, which was then part of the Mercian dominions on the ſouth of the Humber. Beſides this vaſt dioceſe, Wilfrid had the government of nine abbies, and being ever ready to accept, and indeed to ſolicit, the moſt extravagant donatives, which the ignorant ſuperſtition of the age prompted the great ones to beſtow, he built and adorned in the moſt ſumptuous manner his † churches and

A. D. 664.

Edd. c. 14.

A. D. 669.

Bed. l. 4. c. 2.

Bed. l. 4. c. 3.

Ric. Hag. de Hagulſt. Ecc. c. 3.

* Wilfrid was a Northumbrian of noble birth, and being recommended by Eanfleda, Oſwy's queen, to a certain nobleman called Cudda, who retired to the monaſtery of Lindisfarn, did attend him thither as his companion, and continued there from the 14th to the 18th year of his age.

† His principal works were the reparation of the cathedral of York, the roof of which he covered with lead, and glazed its windows, A. D. 670, and two magnificent churches at Rippon and Hexham. Eddius deſcribes him as attended in his progreſſes, when performing his epiſcopal functions, not only by his ſingers, whereof Eddius himſelf was one, but by maſons and artiſts of almoſt every kind. Ed. c. 14. Thus religion was, in thoſe times, made the means of introducing and improving the arts among a fierce and barbarous people. It is plain from various paſſages in Bede, that the monks of thoſe times employed themſelves in agriculture and the arts. In his hiſtory of the abbots of Weremouth and Jarrow, he celebrates the humility of Eaſterwin, whom Benedict Biſchop,

and abbies; employing in theſe works the moſt ſkilful artiſts he could procure from France and Italy. Nor was his magnificence in other reſpects inferior to that of his buildings; for in his family the ſons of many of the Northumbrian nobles reſided for their education; his attendants were numerous; his furniture ſplendid; and at his table he is ſaid to have been ſerved on gold. His great patroneſs was Etheldrida, the queen of Egfrid, famed for preſerving her virginity, during twelve years marriage with that prince. From her he received Hexham and the adjacent lands, ſaid to have been lands of her own dowry, for the ſupport of his convent and magnificent church * there. But Wilfrid was unhappy in the retreat of ſo mighty and generous a friend from the palace to a Nunnery. The † queen, by her unceaſing importunities, prevailed with her huſband to allow her to make this retreat; and ſhe received the veil from the hands of Wilfrid in the abbey of Coldingham, then under the government of ‡ Ebba, aunt to the king. Ermenburga ſucceeded Etheldrida in the king's bed; but not in her friendſhip to Wilfrid. The new queen's averſion to that prelate; the jealouſy and envy excited by his immoderate wealth and ambition; together with the reſentment flowing from a ſuſpicion of his having encouraged § Etheldrida to turn Nun, determined the king to enter into meaſures for humbling him. For this purpoſe he obtained the aid of Theodore archbiſhop of Canterbury, who in the year after he arrived in England, held a council of ‖ Engliſh biſhops, by which, among other regulations, it was enacted, that, upon account of the increaſing numbers of the faithful, the number of biſhops

Edd. c. 21.

Bed. l. 4. c. 19.

Ric. Hag. c. 1, 7.

Bed. l. 4. c. 19.

Bed. l. 5. c. 5. A. D. 670.

‖ Wilfrid aſſiſted at this council by his legates, as the acts of it bear.

Biſchop, firſt abbot of Weremouth, had aſſumed as his collegue in the government of that convent; and as a proof of it, relates, that although he was a man of noble birth, and had been the miniſter of king Egfrid, yet having abandoned ſecular arms and affairs, he ſought not, in any reſpect, to be diſtinguiſhed from the other brethren of the monaſtery, but along with them would fan, and grind, milk cows or ſheep, and, with great pleaſure, work in the bakehouſe, garden, kitchen, or employ himſelf in any other buſineſs of the monaſtery. He likewiſe relates, that when Eaſterwin was going abroad any where about the affairs of the convent, and found the brethren at work, he would immediately join himſelf with them, either in guiding the plough, beating out iron, ſhaking the ſieve, or any other labour. (Bed. Ed. Smith, p. 296.) Alſo in his eccleſiaſtical hiſtory, (l. 5. c. 14.) he gives an account of a wicked monk, who, before his death, ſaw in a viſion the place prepared for him in Hell. This monk Bede himſelf knew, and ſays, that though he was often rebuked by his ſuperiors and brother monks, for his drunkenneſs and irreligion, yet they ſtill bore with him, becauſe of the need they had of his works, he being a very expert mechanic.

* Richard of Hexham, after deſcribing this magnificent ſtructure which was ſacred to St. Andrew, ſays, that there was none like it to be found at that time on this ſide of the Alps. C. 3.

† Queen Etheldrida was daughter to Anna king of the Eaſt Angles, and had been married firſt to Tonberet, a grandee in her father's dominions, with whom ſhe alſo lived a virgin three years. She is ſaid to have received the veil from Finan biſhop of Lindisfarn. Dugdale Monaſ. vol. ii. 1051.

‡ *Amita*, aunt by the father ſide, being the daughter of king Ethelfrid, and the ſiſter of Oſwy and Oſwald. She ſettled firſt at Ebcheſter, a place on the river Derwent, which runs into the Tyne, that ſtill bears her name, and afterwards removed to Coldingham. Smith ad Bed. l. 4. c. 19. Etheldrida, after a year's reſidence at Coldingham, retired to Ely in her native country, and became abbeſs of the monaſtery there. Sixteen years after her death, her body was taken up incorrupted; a demonſtration of her ſainſhip and virginity. In ſucceeding times, ſhe was commonly known by the name of St. Audrey of Ely.

§ Wilfrid himſelf told Bede, that Egfrid had promiſed him much riches in money and lands, if he could perſuade the queen to allow him matrimonial commerce with her.

ſhould alſo be augmented. Wilfrid's great intereſt at court had hitherto hindered this ſcheme from taking effect in the Northumbrian kingdom. But the king and court being now his enemies, and the enormous extent of his dioceſe being moſt apparent, Theodore very willingly gratified the king, by conſecrating Boſa, biſhop of the province of Deira, and Eata, abbot of Mailros and Holy Iſland, of Bernicia; the former having the ſeat of his biſhoprick at York, and the latter at Hexham or * Lindisfarn. Theſe things were done without the privity or conſent of Wilfrid; who eſteeming himſelf grievouſly injured, repaired to court, and in the preſence of the king and Theodore appealed to the ſee of Rome for redreſs. This appeal, being the firſt of the kind in the Engliſh churches, was treated by Egfrid and his courtiers with contempt; but Wilfrid, ſteady in his purpoſe, ſet out immediately for Rome, where he received the uſual welcome given to appellants, and obtained a favourable deciſion, from Pope Agatho, and a council of biſhops. With this he returned to England, and preſented it to Egfrid; but the king and his council rejected it with indignation, alleging it had been procured by bribes, and committed Wilfrid to priſon. After remaining priſoner about a year, he was ſet free upon the interceſſion of † Ebba the Coldingham Abbeſs, but upon condition that he ſhould immediately abandon the Northumbrian dominions. He continued in exile during the remainder of the reign of Egfrid and the firſt year of his ſucceſſor, being employed moſt part of that time in converting the pagans in Suſſex and the Iſle of Wight, for which he received ample rewards from the kings to whom theſe places were ſubject. His zeal and diligence in this work did alſo contribute to make his peace with archbiſhop Theodore; who, by his interceſſion with the new Northumbrian king Aldfrid, obtained leave for him to return to his native country. Upon his return, he was put in poſſeſſion of the ſee of ‡ Hexham, and after St. Cuthbert's death, had, for a year, the adminiſtration of the ſee of § Lindisfarn, until Eadbert was advanced to that charge. Afterwards he is ſaid to have been reſtored to the ſee of York **, and the poſſeſſion of his

A. D. 678.

Bed. l. 4. c. 12. Edd. c. 24.

Bed. l. 5. c. 19.

Edd. c. 33.

Ib. c. 38.

Edd. Bede.

A. D. 686, or 687.

Edd. c. 43.

* This is the preciſe account given by Bede. Wharton Ang. Sac. p. 963. whom Carte follows, ſays, that Lindisfarn, the ancient ſeat of the biſhops of Northumberland, was left to Wilfrid; but what authority can there be for this, ſufficient to countervail the concurring ralations of Eddius and Bede?

† The king and queen in a progreſs through their dominions came to Coldingham abbey, when the queen having been whipped a whole night by the devil, and in the morning being convulſed and ready to expire, Ebba aſſured the king, that the cauſe of theſe ſufferings was his treatment of Wilfrid, who was thereupon liberated from priſon and diſmiſſed, and a bag of relics reſtored to him, which Wilfrid had brought from Rome, and which the queen had robbed him of, and carried about with her, as the Philiſtines, ſays Eddius, did the ark of old, to her own plague. Wilfrid being thus in part redreſſed, the queen was healed. Edd. c. 38.

‡ This dioceſe is ſaid to have extended from the Tees to the Alne.

§ During this time, Bede relates, that the monks of Lindisfarn, were in ſuch diſtreſs and danger, without mentioning particulars, that ſeveral of them abandoned the convent. It is probable, that theſe troubles aroſe from Wilfrid's attempting to abrogate the rules of St. Cuthbert, and the ſaints his predeceſſors, which had been eſtabliſhed amongſt them; and to introduce in the room of theſe, the Benedictine diſcipline; which he did in all monaſteries where he had power or influence.

** This is the account given by Eddius, c. 42; but Bede and others ſay nothing of Wilfrid's reſtoration to the ſee of York.

monaſtery

monaſtery at Rippon: but ſoon after the death of Theodore, new diſſenſions breaking out between Wilfrid and the king, the former was again expelled
A. D. 691. from Northumberland, and obliged to ſeek refuge in the neighbouring king-
Edd. c. 44. dom of Mercia, where king Ethelred received him well, and gave him the
A. D. 703. adminiſtration of the ſee of Leiceſter. Twelve years after, a council held at
Ib. c. 45. Neſterfield near Rippon, by Beretuald archbiſhop of Canterbury, at the deſire of the Northumbrian king Aldfrid, took cognizance of Wilfrid's conduct, and ſtripped him of all his poſſeſſions in Northumberland. But they were not able to ſubdue his ſpirit. He upbraided his judges for their contempt of the decrees of the apoſtolic ſee, appealed anew to Rome, and at the age of ſeventy, made a journey to that city to proſecute his appeal. Again he returned victor *, having obtained a decree in his favour from Pope John VIII. and a council held at Rome. In conſequence of this judgment, the archbiſhop of Canterbury convoked on the bank of the river Nidd in Yorkſhire, an aſſembly, where the Northumbrian king Oſred, then a minor, being preſent with his nobles and biſhops, an agreement was concluded; by which Wilfrid was reſtored to his monaſteries of Hexham and Rippon. Very ſoon after Boſa dying, and the famous St. John of Beverly, who was then biſhop of Hexham, being tranſlated to York, Wilfrid regained his dioceſe of Hexham; and four years after died quietly at his monaſtery at Oundle.
A. D. 709. April 24. Thus Wilfrid, during a long and buſtling life, attained to fame and eminence by the uſual helps of abilities, ambition, and an unſubmitting reſentful ſpirit; while his monkiſh auſterities, devotion to the ſee of Rome, and zeal in extending its authority, and introducing its frivolous uſages, obtained him from that church a powerful ſupport in the time of his life, and the title of a ſaint after his death †.

*. Aldfrid was alive, when Wilfrid returned from Rome, but poſitively refuſed to comply with the pope's decree; of which obſtinacy he is ſaid to have repented on his death-bed. [Bed. Edd. c. 57.] Eadulph, who, after Aldfrid's death, uſurped the kingdom, which he held only two months, was equally poſitive in rejecting Wilfrid.

† He was buried in the church of St. Peter at Rippon, ſplendidly built and adorned by himſelf. Bede gives his epitaph, in a ſtyle of poetry ſuperior to the ordinary productions of that time:

Wilfridus hic magnus requieſcit corpore præſul,
Hanc Domino qui aulam, ductus pietatis amore
Fecit, et eximio ſacravit nomine Petri,
Cui claves cœli Chriſtus dedit arbiter orbis,
Atque auro ac tyrio devotus veſtiit oſtro.
Quinetiam ſublime crucis radiante metallo
Hic poſuit tropæum; necnon et quattuor auro
Scribi evangelii præcepit in ordine libros,
Ac thecam e rutilo his condignam condidit auro.
Paſchalis qui etiam ſolemnia tempora curſus
Catholici ad juſtum correxit dogma canonis
Quem ſtatuere patres, dubioque errore remoto,
Certa ſuæ genti oſtendit moderamina ritus:
Inque locis iſtis monachorum examina crebra
Collegit, ac monitis cavit quæ regula patrum
Sedulus inſtituit, multiſque domique foriſque
Jactatus nimium per tempora longa periclis,
Quindecies ternos poſtquam egit Epiſcopus annos,
Tranſiit, et gaudens cœleſtia regna petivit,
Dona, Jeſu, ut grex paſtoris calle ſequatur.

It

It was about this time, that the monaſtery of Coldingham, a ſtately and ſpacious edifice, was, through negligence, conſumed by fire. This edifice, as was uſual in thoſe times, was inhabited by monks and nuns, who, though dwelling in different parts of the monaſtery, were not ſo effectually ſeparated as to prevent a grievous relaxation of diſcipline and the daily practice of many enormities; which greatly increaſed after the death of their pious abbeſs Ebba. The deſtruction of their dwelling was univerſally believed to be a ſignal judgment inflicted by Heaven, on the wickedneſs of the monks and nuns. Cuthbert and his monks in Lindisfarn took the alarm. That holy prior being ſoon after made biſhop, forbade the approach of women to his convent. They were not even allowed to enter the church where the monks performed their devotions; but had another church *, at a conſiderable diſtance, erected for their uſe. The cuſtom thus introduced, of forbidding the acceſs of women to the churches, or cœmeteries where Cuthbert's body had reſted, continued long; and miracles are related of dreadful puniſhments befalling the unhappy females who preſumed to infringe it.

Bed. l. 4. c. 25.

Sim. Dun. Hiſt. Dun. Ecc. l. 2. c. 7, 8, 9.

The ſucceſſor of Egfrid in the Northumbrian kingdom was Aldfrid, an illegitimate ſon of Oſwi; his legitimate offspring being extinct in Egfrid. Aldfrid, in the former part of his life, applied himſelf with much diligence to the ſtudy of ſacred learning; in queſt of which he had retired to the Hibernian or Scottiſh iſlands. But by the advice and influence of the queen and Cuthbert, the Northumbrians, in the general diſtreſs that followed the defeat and death of Egfrid, agreed to raiſe him to the throne. Aldfrid found the kingdom reduced to narrower limits †, but being a man of vigour, he was ſucceſsful in *repairing its ſhattered ſtate*, and defending it againſt its adverſaries. After his death, which happened in the 20th year of his reign, the crown

Bed. l. 4. c. 26. A. D. 685.

Bed. Vit. St. Cudb.

A. D. 705.

* This, ſays Simeon, was called Grenechirche, from its ſituation on a green plain in the iſland.

† What theſe limits were cannot be diſtinctly aſcertained. But it is plain from Bede's ſtory of the monk Dryethelme's viſion of Hell and Purgatory, l. 5. c. 12. that they extended farther on the ſide towards Scotland than in ſucceeding times; for the monaſtery of Mailros was then included in Aldfrid's dominions. The ſituation of this monaſtery, as deſcribed in two places by Bede, agrees well with the ſituation of the place now called Old Mailros. In l. 4. c. 27. he ſays, it is ſituated on the bank of the Tweed: and in l. 5. c. 12. he adds, that moſt part of it is incloſed by a bending of the Tweed.

Dryethelme uſed to relate his viſions to king Aldfrid, and was admitted a monk in the convent of Mailros, at the deſire of that king, who, when he came into theſe parts, frequently viſited him. Dryethelme had a cell aſſigned him in the moſt retired part of the convent, that he might be leſs diſturbed in his continual devotions. And the place itſelf being ſituated on the bank of the river, he uſed often, for the ſake of mortifying his body, to go down into it, and plunge in the ſtream. There he continued praying and ſinging pſalms as long as he could, the water ſometimes coming up to his loins and ſometimes as far as his neck: and when he came out from it, he never thought of caſting off his wet and cold garments; but wore them till they grew dry and warm on his body. And in the winter when encompaſſed with cruſts of ice, that flowed down the river, and which he ſometimes broke to make room for his ſtanding or dipping in the water; while thoſe who obſerved him would ſay, It is ſtrange brother Dryethelme how you can bear ſuch extreme cold; he anſwered calmly, being naturally a meek and ſimple man, I have ſeen greater cold. And when they uſed to ſay, it is ſtrange you ſhould ſubmit to ſuch ſevere diſcipline, he uſed to reply, I have ſeen more ſevere; alluding to the torments of Hell and penalties of Purgatory which he had ſeen in a viſion. Bed. l. 5. c. 12.

was seized by Eadulf, to the excluſion of Oſred, the eldeſt of Aldfrid's children, a boy, at that time, of eight years of age. But Berectfrid, a zealous friend of the late king and his family, retired with Oſred into the ſtrong fortreſs of Bamburgh; and, the bulk of the nation ſoon declaring for the young prince, he was raiſed to the crown, the management of his affairs being intruſted to Berectfrid. Oſred * fell in battle after a reign of eleven
A. D. 716. years, and was ſucceeded by Cenred; who having reigned two years, had for his ſucceſſor Oſric the ſecond ſon of Aldfrid. Oſric died after reigning about
A. D. 729. eleven years, and nominated for his ſucceſſor Ceolwulf, the brother of his predeceſſor Cenred. From this choice of him by Oſred and ſome ancient genealogies, it is inferred by ſome, that Ceolwulf was neareſt to the crown of
Carte, vol. i. p. 262. any of Ida's remaining deſcendants †. It is more certain, that he was the prince to whom Bede inſcribed his Eccleſiaſtical Hiſtory, which was finiſhed in the ſecond year of Ceolwulf's reign. The venerable author died four years after; and for a conſpicuous proof of the prevailing ſpirit of monkery, even
Bed. l. 5. c. 23, alſo Ep. ad Egb. Ebor. Ant. among thoſe of the higheſt rank, which Bede mentions as a characteriſtic of that age, Ceolwulf, after reigning about eight years, reſigned his crown to
A. D. 737. Eadbert the ſon of his uncle Eata, and became a monk in the convent of
Sim. Hiſt. D. E. l. 2. c. 1. Lindisfarn. He carried along with him conſiderable treaſures, and added ſome new lands to the large eſtates that had been given to St. Cuthbert by
Rog. Hoveden. ad Ann. 889. ſeveral of his predeceſſors. He alſo procured an improvement in the living of the monks; ſubſtituting ale and wine, in the room of water and milk, which were the only liquors they had been permitted to uſe, by the rule of
Bed. Contin. l. 1. c. 9. their founder Aidan. In this retreat he ſpent the remaining twenty-two years
Brompton, p. 795. of his life, acquired the title of a ſaint, and had his body depoſited near that of St. Cuthbert ‡.

Eadbert the ſucceſſor of Ceolwulf was a prince of eminent talents and high
A. D. 756. reputation **. In the eighteenth year of his reign, having joined his forces with

* With Oſred, Naitan king of the Picts *(Pictorum qui ſeptentrionales Britanniæ plagas inhabitant)* was cotemporary; to whom Ceolfrid, the abbot of Monks Weremouth and Jarrow ſent a letter, A. D. 715, concerning the time of obſerving Eaſter and the clerical tonſure according to the Roman rite, which is inſerted by Bede, H. E. l. 5. 21. and was probably written by Bede himſelf, who was, at that time, and all the reſt of his life, a prieſt and monk in the monaſtery of Jarrow. This letter was intended to inſtruct the king more fully in the reaſons of the Roman obſervances; and ſerved the purpoſe of confirming his approbation of them, and of engaging him to eſtabliſh them throughout his dominions. Together with this letter, Ceolfrid in compliance with the king's requeſt, ſent him architects to build for him a church of ſtone, after the Roman manner, which Naitan promiſed to dedicate to the prince of the apoſtles. Benedict Biſchop, the founder of the abbey at Monks Weremouth, and Ceolfrid's immediate predeceſſor, brought maſons from France to build a ſtone church there in 675. He is alſo ſaid to have ſent to France for makers of glaſs, in order to the glazing of the windows of his church, and to have been the firſt who introduced theſe artiſts into Britain. Wilfrid is ſaid by Eddius to have cauſed the windows of the cathedral of York to be glazed in 670; but perhaps he imported his glaſs.

† Being ſprung from Edric the fourth ſon of Ida; after the lines of Adda, Theodorick, and Ethelrick, his (Ida's) three elder ſons were extinct.

‡ It was afterward removed by Egfrid, biſhop of Holy Iſland, to Norham; and long after, his head was tranſlated to the church of St. Cuthbert at Durham. Sim. Dun. ibid.

** Cynewulf, who ſucceeded Ethelwold in the biſhopric of Lindisfarn, in the third year of this king's reign, had the misfortune of falling under his diſpleaſure. Eadbert blamed the prelate for ſuffering.

with thoſe of Unuſt king of the Picts, and led them againſt the city of Alcluyth afterwards Dumbarton, the Britons who held it were obliged to ſubmit to theſe powerful aggreſſors, on the firſt of Auguſt. Pepin king of France was Eadbert's cotemporary, and is ſaid to have cultivated his friendſhip by many royal preſents. But all his fame and his ſucceſſes, together with the earneſt entreaties of the neighbouring princes*, would not reſtrain him from following the example of his predeceſſor, in retiring from a throne to a cloiſter. After a proſperous reign of more than twenty years, he reſigned his crown to his ſon Oſulf, and withdrew to a convent in York; where his brother Egbert † was archbiſhop, and where the royal monk himſelf, after ten years, died, being, according to Matthew of Weſtminſter, the eighth of the Saxon kings, who exchanged a temporal crown for an eternal. His ſon Oſulf was murdered by his own domeſtics, in the firſt year of his reign; and was ſucceeded by Ethelwold, ſirnamed *Moll*, who doth not appear to have been any way related to the royal family. In the beginning of the third year of Ethelwold's reign, Oſwin, who ſeems to have claimed the crown by right of blood, undertook to recover it by force; but was killed in a battle which began on the 6th of Auguſt, and laſted three days, near Eldun ‡ in the neighbourhood of Mailros. Ethelwold did not enjoy his crown long; being obliged, three years after, to reſign it to Alered the ſon of Eanwin and a deſcendent of Ida. Alered having reigned nine years, was deſerted by his family and nobles, and obliged, in the time of the Eaſter feſtival, to abandon York and ſeek his ſafety in flight. He firſt retired to Bamburgh **, and thence, accompanied by a few, to Cynoth king of the Picts. Ethelred, the ſon of Ethelwold Moll, was placed on the throne, but being driven into exile five years after, Ælfwold the ſon of Oſulph recovered the crown of

Sim. Dun. de Geſt. Reg. Ang. p. 106. Turg. Hiſt. Ecc. Dun. l. 2. c. 3.

A. D. 758.

Sim. Dun. Chr. Sax.

A. D. 761. Sim. Dun. de Geſt. Reg. Ang. p. 106. Fl. Vig.

A. D. 774. Chr. Sax. Fl. Vig.

A. D. 779. Chr. Sax. Fl. Vig.

ſuffering Offa the ſon of Aldfrid, one of the blood royal, after almoſt periſhing by hunger in the ſanctuary of St. Cuthbert, whither he had fled for refuge, to be carried away from it by unarmed foes, who afterwards put him to a cruel death. The king thus provoked, beſet St. Peter's church, ſeized the biſhop, and detained him a priſoner in Bamburgh, committing the adminiſtration of his See to Fredbert biſhop of Hexham, until Cynewulf having made his peace with him, was reſtored to his biſhopric. Turgot, l. 2. c. 2.

* Simeon ſays, the Engliſh kings offered him ſome part of their territories, provided he would retain his royal dignity.

† Egbert, being a prelate of ſpirit correſponding to his high deſcent, obtained from Rome the archiepiſcopal pall, A. D. 736, which none of his predeceſſors had poſſeſſed ſince Paulinus. He was eminently learned, and for the advancement of learning erected at York a noble library; in imitation of what archbiſhop Theodore had done at Canterbury in the preceding century. Stubbs.

‡ Eldun is the name of a village, and of the three remarkable hills juſt above it, to the weſt. Eldun, Aldyn, Hieldun, Halydon, Yeldun, all mean the ſame village, or the hills hard by it; the latter giving name to the village rather than the village to the hills. Simeon does not ſpeak of Eldun as being then without the bounds of the Northumbrian kingdom. Chr. Mailros, places this victory in 760; and ſays, that Unuſt king of the Picts died the ſame year.

** On this occaſion Simeon deſcribes Bamburgh, or, as he calls it, Bebba. "Bebba vero civitas urbs eſt munitiſſima, non admodum magna, ſed quaſi duorum vel trium agrorum ſpatium, habens unum introitum cavatum et gradibus miro modo exaltatum. Habet in ſummitate montis eccleſiam præpulchre factam, in qua eſt ſcrinium ſpecioſum et pretioſum; in quo involuta pallio jacet dextra manus Sancti Oſwaldi regis incorrupta, ſicut narrat Beda hiſtoriographus hujus gentis. Eſt in occidente et in ſummitate ipſius civitatis, fons miro cavatus opere, dulcis ad potandum et puriſſimus ad videndum." De Geſt. Reg. An. A. D. 774.

his anceſtors. Ælfwold was a prince of piety and juſtice; but theſe were not ſufficient to ſecure him againſt that ſpirit of rebellion and anarchy, which had prevailed ſo long among the Northumbrians. He fell a victim *, in the tenth year of his reign, to a conſpiracy formed againſt him by Siga one of his nobles. His nephew Oſred, the ſon of king Alered ſucceeding him, was ſuffered only to reign a year; his nobles having treacherouſly ſeized him, ſhaved him as a monk, and forced him into a monaſtery at York. Ethelred, the ſon of Moll, being recalled from exile, Oſred fled for refuge to the Iſle of Man. Oelf and Oelfwin, the ſons of Ælfwold, ſoon fell victims to Ethelred's treachery and cruelty: and Oſred, being drawn from his retreat by the oaths and entreaties of a part of the nobles, was betrayed and deſerted by his followers, and falling into the hands of Ethelred, was put to death by him at Aynburg. Ethelred endeavoured farther to ſecure his poſſeſſion of the Northumbrian kingdom, by marrying Elfleda, the daughter of his powerful neighbour Offa king of Mercia. But all theſe precautions did not avail to ſave him from a violent death, by the hands of his ſubjects, in the ſeventh year of his reign †. His ſucceſſor Oſbald, one of the grandees of the kingdom, was not ſuffered to reign a month to an end. Being raiſed to the throne by a few of the nobles, who were not able to ſupport him againſt a combination of a far greater number; he fled for refuge firſt to Holy Iſland, and then by ſea to the king of the Picts ‡. Eardulf § was his ſucceſſor, and in the ſecond year of his reign (*a*) fought a battle ‖, againſt Wada the chief of the conſpirators who had killed Ethelred. In this battle there was much ſlaughter on both ſides, but Eardulf prevailed; and for the farther ſecurity of his crown, according to the barbarous ideas of ſecurity which then prevailed, he put to death Alchmund the ſon of Alered, in whom the ancient race of the Northumbrian kings was wholly extinguiſhed.

Seven years before this event, the Danes made their firſt deſcent ** in Britain, that hiſtory gives any account of. As they were Heathens in religion,

Ric. Hag. de Hag. Ec. l. 1. c. 17.
A. D. 788. Flor. Vig. Ric. Hag.
A. D. 790. Sim. Dun.
A. D. 791.
Sim. Dun. G. R. A. Chr. Sax.
A. D. 792.
Sim. Dun. Chr. Sax. Fl. Vig.
A. D. 796.
Chr. Sax. Fl. Vig.
(*a*) A. D. 798. Sim. Dun. G. R. A. ad Ann.
A. D. 800.
A. D. 793.

* Ælfwold was killed at a place called Scythecheſter near the wall, and was buried with great ſolemnity in the church of Hexham. A miraculous light was ſaid to have been often ſeen over the place where he was killed. Sim. Dun. Ric. Hag.

† At Cobre. Alcuin wrote on this occaſion to Offa king of the Mercians, whoſe ſon-in-law Ethelred was, that Charlemagne was greatly provoked at the Northumbrians, on account of their perfidy and cruelty to their kings, eſteeming them worſe than Pagans. Gul. Malm. p. 26.

‡ Oſbald became afterwards an abbot, and dying in 799, was buried in the church of York. Sim.

§ Eardulf was the ſon of a great noble or general of the ſame name, who had been put to death by the orders of king Ethelred in 792. His ſon now made king was recalled from exile; and was the firſt Saxon king, and the only one, ſo far as appears in the heptarchy, who was conſecrated by the ceremony of Unction, which he received in the cathedral of York, from the hands of archbiſhop Eanbald, aſſiſted by Higbald, Ethelbald, and Budowulf, biſhops of Lindisfarn, Hexham, and Whithero. Sim. Dun. Geſt. R. R. Ang. *anno* 796. Chr. Sax.

‖ It was fought, ſays Simeon of Durham, in a place called by the Engliſh Billingahoth, near Wallalege. According to Dr. Gibſon, in his explication of names in the Saxon Chronicle, Wallalege is the ſame with Whaley in the eaſtern part of Lancaſhire.

** Six years before, ſome of them are ſaid to have been ſeen on the coaſt of Dorſetſhire, having approached with three ſhips in order to take a view of the iſland. At that time they killed a public officer, who was attempting to bring them before the king or governor of the adjacent diſtrict, to give an account of themſelves. Chr. Sax. Carte, vol. i. p. 287. Tyrel, vol. i. p. 235.

they treated the churches and monaſteries, together with the prieſts and monks, their guardians and inhabitants, with unrelenting cruelty. Higbald, the 5th in ſucceſſion from St. Cuthbert, was then biſhop of Lindisfarn *; and underwent the diſtreſs of ſeeing his ſanctuaries profaned, the abodes of the monks overturned, and their treaſures plundered. Some of the holy brethren the barbarians ſlew, others they carried into captivity: ſome they drove ignominiouſly naked out of the convent, and ſome they drowned in the ſea. In the year following, they re-acted the ſame ſcenes of cruelty on the monaſtery of Jarrow; but St. Cuthbert's juſt wrath, as the monks interpreted it, ſoon after overtook them: for, in this deſcent, their chief falling into the hands of the Engliſh, was put to a cruel death; and a terrible ſtorm ariſing, their fleet was diſperſed and ſhattered, and a great part of it wrecked; the inhabitants of the country deſtroying thoſe who attempted to gain the ſhore. The Pagans had not been acquainted with what the monks of Landisfarn accounted their chief treaſure; for the body of Cuthbert was left unhurt; and after the barbarians retired, the few monks who had eſcaped, returned to their convent; and there alſo the epiſcopal ſeat continued for a conſiderable time after. Chr. Sax. Sim. Dun. H. D. E. l. 2. c. 5.

Eardulf, the Northumbrian king laſt-mentioned, appears to have been a prince of ſpirit. Some of his enemies having been protected by Kenulf, king of Mercia, Eardulf raiſed an army, and led it againſt the Mercian king, who, on his part, made great preparations for defence. But a reconciliation was effected by the interpoſition of the prelates and nobles of each kingdom; and a peace concluded, to continue during the lives of the kings. Eardulf, being expelled from his kingdom a few years after, was ſucceeded by Elfwold, who enjoyed that precarious crown two years. His ſucceſſor was Eanred, the ſon of his predeceſſor Eardulf, who is ſaid to have reigned thirty-three years. About the 20th of his reign, according to Malmeſbury's computation, he became tributary to Egbert †, King of the Weſt Saxons; on whom, and his ſucceſſors, the Northumbrian kingdom continued afterwards dependent, unleſs when ſubject to the Danes. Eanred's ſon, Ethelred, ſucceeded him; and in the 10th year of his reign was ſlain by Oſbert; who immediately aſcended the throne in his ſtead ‡. Sim. Dun. A. D. 801. A. D. 807. A. D. 850.

* After the death of Cuthbert, Wilfrid adminiſtered the biſhopric one year, Eadbert held it ten years, Eadfrid twenty-two, Ethelwold ſixteen, Cynewulf forty-five, during the four laſt of which, his ſucceſſor Higbald was his coadjutor. Higbald was ſole biſhop twenty years, and the deſcent of the Danes happened in the eleventh year of his prelacy. It was at the deſire of biſhop Eadfrid, that Bede wrote the life of St. Cuthbert, which he inſcribed to Eadfrid and the monks of Lindisfarn. Ethelwold, Eadfrid's ſucceſſor, was a prieſt and abbot in the monaſtery of Mailros. Sim. H. E. D. l. 2. c. 3, 4, 5. Bed. l. 5. c. 12.

† As ſoon as Egbert had paſſed the Humber and advanced with his army to Dore in Yorkſhire, the Northumbrians ſubmitted to him and became his ſubjects. (Chr. Sax. ad A. D. 827. Carte, vol. i. p. 286.)

‡ According to Malmeſbury, after the death of Ethelred in 796, nobody had courage enough to accept the Northumbrian crown; the advancement to it appearing, in ſo many inſtances, to lead to certain deſtruction. Hence the Northumbrians continued in a ſtate of anarchy thirty-three years, at the end of which they became dependent on Egbert, to whom and his ſucceſſors, the kings who afterwards reigned in Northumberland, paid homage and tribute. Malmeſbury's account of this matter appears to be lame and imperfect, and more credit ſeems due to the relation of Simeon of Durham.

In

In the end of the reign of Eanred, and former part of that of his ſon Ethelred, a great revolution was effected in the neighbouring country of Scotland. That country had for many ages been poſſeſſed by the Scots and Picts; the former inhabiting the Weſtern, and the other the Eaſtern part of it. The intimate union, which had long ſubſiſted between theſe people, was greatly impaired by the Picts entering into leagues with the Saxons, againſt the Britons, with whom the Scots were in alliance. But the ſtrifes that aroſe from this, and other ſources, were often ſucceeded by intervals of peace and concord; during which there were frequent intermarriages between the royal
Ford. l. 3. c. 24. families of the two kingdoms. In conſequence of ſome affinity of this kind, the Scottiſh king Dungal, the ſon of Selvachius, who began to reign in the year 824, laid claim to the Pictiſh throne *. But the Picts refuſing to acknowledge
A. D. 831. his title, he commenced a war in ſupport of it. He died in the ſeventh year of his reign, while the ſtrife was yet depending: and his ſucceſſor Alpin, continuing the war with great fury, fell a victim to the reſentment of his ad-
Id. l. 4. c. 2. verſaries, after a reign of three years. For the Picts having defeated him in battle and taken him priſoner, they rejected all offers of ranſom, and cruelly cut off his head. His ſon Kenneth, having the powerful incentive of revenging the death of a father, added to the *ſame* claims *with thoſe* of his predeceſſors, and having the addreſs to re-animate the courage of his nobles, ſadly diſpirited by the late defeat and loſs of their king; reſumed the war, with invincible reſolution, joined to talents far ſurpaſſing thoſe of the preceding
A. D. 839. kings. In the ſixth year of his reign, having defeated and ſlain in battle
Fotd. l. 4. c. 3, 9, 13. Druſken the laſt Pictiſh king †, he ſeized the government of his dominions; and uniting them to thoſe he inherited from his anceſtors, became the firſt monarch of all Scotland. But the remaining warriors of the Pictiſh nation ſtill continued a fierce oppoſition to their conquerors; wherein they were aſſiſted by their ancient allies the Saxons of Northumberland. The obſtinate and united efforts of theſe people ſerved only to give new opportunities to

* H. Boethius, and the other Scottiſh hiſtorians who copy from him, pretend to explain the particular ground of the title, by which the Scottiſh kings claimed the crown of the Picts. But how thoſe writers could have any good authorities for this, unknown to Fordun, is hard to account for; and Fordun ſays expreſsly, *Novit ille, cui nihil ignotum eſt, hanc ultimæ contentionis cauſam, et quorum culpa cæptum eſt crudeliſſimum hoc bellum, &c.* Scotich. l. 3. c. ult.

† In the catalogue of the Pictiſh kings, publiſhed by father Innes, from an ancient MS. now in the French king's library, the name of the laſt of theſe kings is Bred; the 76th from Cruidne or Cruythne, who is the firſt Pictiſh monarch both in this chronicle publiſhed by Innes, and in the catalogue given by Fordun. Innes endeavours to reduce to a juſt chronology the reigns of theſe Pictiſh kings, according to the years ſeverally aſſigned them in his MS. Chronicle, down from Druſt the 37th of them, whoſe reign began A. D. 406. to the deſtruction of their line by Kenneth, which happened according to the ſumming of theſe reigns in 842. And he finds the dates of events in the reigns of ſome of the Pictiſh kings, which may be depended on as being given by good hiſtorians, and the moſt of which are mentioned above, to accord with a chronological table which he deduces from his Chronicle: while the catalogue and lengths of thoſe reigns given by Fordun cannot be reconciled to thoſe dates. But Goodall, in c. 9. of his learned preface to Fordun, makes ſome remarks that ſeem very much to ſhake the credit both of the favourite Chronicle and its commentator. Innes, App. to Crit. Eſſay. In truth, nothing authentic ſeems to remain of the hiſtory of the Picts, but a few gleanings from the hiſtory of the Scots and Saxons; which, during the period of the Pictiſh monarchy, are themſelves extremely imperfect.

Kenneth, of increaſing his glory and adding to his dominions. For as he is ſaid to have extended theſe to the Tweed, it ſeems probable that, beſides the country of the Picts, he conquered alſo a conſiderable territory from the Saxons *, which the latter held to the north of that river. Some miſerable remains of the Picts, after having haraſſed their conquerors, for a while, from the deſarts and faſtneſſes of the country late their own, were at laſt obliged totally to abandon it, and to ſeek refuge among the Saxons or Norwegians: ſo that hiſtory affords few examples of any nation, which, with its language, and almoſt every memorial of its exiſtence, was ſo entirely extirpated, as that of the Picts. Higden's Poly-Chron. p. 194, 210.

The time when the river Tweed became the boundary on the eaſtern ſide of the Iſland, between the Scots and Saxons, ſeems a very probable æra for the building of Berwick, the moſt remarkable town on the eaſtern border, and the ſcene afterwards of great events; or at leaſt, for its becoming conſiderable as a place of ſtrength. While the Saxons poſſeſſed the country on the north of the Tweed, the ſituation of Berwick was remote from their frontier towards the Picts, and at the ſame time ſo near the royal reſidence at Bamburgh, and the epiſcopal ſee of Holy Iſland, that it could not riſe to fame or importance, either as a fortreſs or as a ſeat of civil or religious government: and the commerce of that age and corner was too trivial, to render it any way eminent or flouriſhing. But when Tweed became the boundary of the Scots towards England, it was natural for them to raiſe a town in the ſituation of Berwick, and to ſtrengthen it by ſuch rude walls, as that age was acquainted with, as well as by a colony of fighting men, for the defence of the town itſelf, and the neighbouring frontier. But it cannot, however, be ſaid, that the probability of Berwick becoming about this time a place of importance, is much increaſed, by its appearing for the firſt time, ſo far as is known in hiſtory, in the account given by the Scottiſh hiſtorian Hector Boethius, of the reign of Donald, the brother, and immediate ſucceſſor of Kenneth, the conqueror of the Picts. According to that hiſtorian, Donald, after defeating, near the river Jedd, Oſbert the laſt mentioned king of the Northumbrians, whom the Pictiſh refugees in his kingdom had excited to invade the dominions of the Scottiſh king, marched down by the courſe of the Tweed to Berwick; which the Saxons had taken but abandoned, on receiving the news of the great defeat ſuffered by their king. Donald having ſeized there ſome Saxon ſhips in the harbour, with a great booty on board; he and his followers abandoned themſelves to indolence and rioting, and the Saxons availing themſelves of this ſecurity, and making an unexpected aſſault on the town in the night-time, deſtroyed a vaſt number of Scots, and took the king priſoner. The conſequence of this ſucceſs is ſaid to have been, the reduction of that part of Scotland, which lieth to the ſouth of the Friths of Forth and Huntingt. H. Boeth. l. 12.

* Higden, from Giraldus Cambrenſis, ſays, that Kenneth gave ſix defeats to Saxony or the Saxons (ſexies Saxoniam debellavit), and as he adds immediately, ſubdued all the country from the Scottiſh ſea to the Tweed. The excerpts from an ancient Chronicle, in the Colbertin and king of France's library, ſays, that Kenneth invaded Saxony ſix times, and burnt Dunbarre and Mailros. Inn. Crit. Eſſay. App. p. 783.

Clyde,

Clyde, under the power of the Saxons and Britons; other improbable circumſtances are alſo added. But, beſides, that thoſe conqueſts of the Northumbrians are not mentioned by any of the Engliſh hiſtorians, and are incompatible with the chronology of the Northumbrian kings, and with the weakneſs to which that kingdom muſt have been reduced by its inteſtine diviſions, they are directly oppoſite to the ſhort account given of Donald by Fordun, the oldeſt and moſt authentic compiler of Scots hiſtory. For according to
Ford. l. 4. c. 15. that author, Donald was a prince, at the ſame time pacific and brave: and when the Picts, who had taken refuge in Northumberland, were, after Kenneth their conqueror's death, inſtigated and aided by the Engliſh to invade the marches of Scotland, they were by Donald's good conduct defeated and totally cut off.

Egbert the firſt Saxon king of all England, had ſcarce finiſhed his work of ſubduing the Heptarchy, and thereby laid a foundation for the domeſtic
A. D. 832. Chron. Sax. tranquillity of the ſouthern part of the Iſland; when ſwarms of fierce invaders from Denmark and the adjoining northern countries, began their deſcents and ravages on the Engliſh coaſts. Theſe Barbarians were the ſame people who, about the ſame period, infeſted the French coaſts, and by the French were called Normans, or Men of the North: they are thought to have conſiſted, in great part, of the braveſt of the Saxons; who diſdaining to ſubmit to Charlemagne, the conqueror of their nation, fled to the neighbouring maritime countries, ſituated to the North of them on the continent. Their reſentment againſt the French, prompted them to make their firſt piratical deſcents on the coaſts of that people; but the ſpirit of that kind of war naturally extended it to whatever other countries fell in their way, and tempted them with the proſpect of booty. The deſcents, already taken notice of in the end of the preceding century, were ſoon over, and had no laſting conſequences; but thoſe that were begun in the laſt years of Egbert's reign, were renewed and ſupported with great obſtinacy, for many ſucceeding years, and produced unſpeakable diſtreſs and deſolation, almoſt over the
Ford. Scotich. l. 4. c. 4. whole of Britain. In the year that Kenneth, paſſing the mountains of Drumalbin, deſtroyed the monarchy of the Picts, theſe latter people are ſaid to have been weakened by a great overthrow they had received from the Daniſh pirates; which overthrow paved the way to Kenneth's conqueſt. About
A. D. 866. twenty-ſix years after, in the ſeventeenth year of the reign of the Northumbrian king Oſbert, the moſt formidable invaſion was made by theſe Barbarians that had hitherto been known in the northern parts of the Iſland.

This invaſion is by one of the Engliſh annaliſts aſcribed to the reſentment
Chr. Joan. Brompton, p. 802. of Bruern Brocard, a Northumbrian nobleman, for a rape committed on his beautiful wife by king Oſbert. The king had perpetrated this crime in Bruern's own houſe, after having been courteouſly received and entertained by the lady, in her huſband's abſence; Bruern, diſcovering on his return, the irreparable wrong the king had done him, went to court, accompanied by his kindred, and ſolemnly renounced his allegiance, and the lands he held of Oſbert. Then, paſſing over into Denmark, he acquainted Godrin or Guthern, the king of that country, with the injury he had ſuſtained, and intreated his aid

aid to revenge it. The Daniſh monarch, who is ſaid to have been related in blood to Bruern, very readily hearkened to his ſupplication; and ſent over to the Northumbrian coaſts a mighty army, under the command of Inguar and Hubba *, brothers, and moſt renowned captains. Having diſembarked near the mouth of the Humber, they marched towards York; and Oſbert, with his army, having come forth from that city to meet them, was totally diſcomfited: Oſbert himſelf falling in the battle. The kindred and friends of Bruern, after withdrawing their ſubjection from Oſbert, had ſet up Œlla for their king; and eſtabliſhed his dominion over ſome part of the Northumbrian kingdom. Œlla, unwilling that the Danes ſhould ſettle in his neighbourhood, marched againſt them towards York; of which city they had taken poſſeſſion, after deſtroying Oſbert and his army. But the miſerable fate of Oſbert overwhelmed alſo Œlla and his followers, at a place near York, afterwards called Elleſcroft, from the name of the ſlaughtered king. According to other accounts, and theſe from authors more deſerving of credit, Œlla, ſaid to be an uſurper, had held the Northumbrian crown five years, though without wholly ſubduing Oſbert; when the Danes under Haldan, Hinguar, Hubba, and ſeveral other kings and chieftains, paſſed over from the country of the Eaſt Angles into Yorkſhire, and having taken York, ravaged all the country as far as the Tyne. Theſe circumſtances of common and dreadful danger induced the rivals for the Northumbrian crown, by the interpoſition of their nobles, to conclude an agreement. After which, being accompanied with eight earls, and marching their united forces againſt the Danes, whoſe chief ſtrength was at York, they prevailed ſo far at firſt as to force their way into the city; but

Chron. Sax. Fl. Vig. p. 585. Sim. Dun. G. R. A. p. 142. Hiſt. Dun. Ecc. p. 14.

A. D. 867.

* According to Matthew of Weſtminſter, Inguar and Hubba, with the vaſt multitudes that accompanied them, did not arrive in England until the year 870. The principal view of their expedition, according to that writer, was againſt the dominions and perſon of Edmund king of the Eaſt Angles, afterwards St. Edmund; who, by an exiled traitor that had perpetrated the fact himſelf, was moſt falſely charged with putting to death the father of the Daniſh chieftains. Inguar and Hubba purpoſed to land on the coaſts of Edmund's kingdom: but being driven northwards by contrary winds, they were obliged to come on ſhore at Berwick upon Tweed. The convent of Coldingham, having been, it ſeems, reſtored after the conflagration formerly related, was then filled with nuns under the government of an abbeſs called Ebba. This pious lady, dreading the barbarities which the heathen invaders exerciſed againſt all perſons devoted to religion, called together the nuns, and informing them of the hazard to which their chaſtity was expoſed, at the ſame time told them ſhe had deviſed a way, by which, if they would follow her advice, they might eſcape the danger. All of them, declaring their readineſs to do any thing for that purpoſe ſhe pleaſed, ſhe pulled forth a razor, and before them all cut off her noſe and upper lip: her example was immediately followed by the whole ſiſterhood. The Danes arriving next morning, in the hopes of gratifying their brutal luſts, were ſhocked with the deformed and bloody ſpectacles, that every where preſented themſelves. At the ſame time, enraged at their diſappointment, they ſet fire to the convent, in the flames of which its wretched inhabitants were conſumed. According to Matthew, the Danes alſo at this time deſtroyed the monaſtery of Holy Iſland, the nunnery at Tynmouth, and the monaſteries of Jarrow and Weremouth. But the more ancient annaliſts (Chr. Sax. Sim. Dun. and Fl. Vig.) make no mention of the ſtory of Coldingham, nor ſpeak of the deſtruction of the other convents as happening this year. Perhaps, therefore, Matthew, or ſome other author whom he follows, confounds this invaſion with that which happened more than ſeventy years before; eſpecially as Matthew makes no mention of that invaſion. Probably, alſo, the ſtory of Ebba and her nuns, is of the ſame authenticity with the legendary tales about St. Edmund. Matt. Weſtm. p. 161, 162, 163.

the Danes, ſtill obſtinately reſiſting and exerting their laſt efforts, gave the aggreſſors a total overthrow, and ſlew both their * kings in the action.

The Danes, after this victory, made Egbert king of the Northumbrian dominions on the north of the Tyne; which he was to hold in a ſtate of dependence upon them. Theſe fierce conquerors being afterwards employed in expeditions againſt ſome of the more ſouthern parts of England, the Northumbrians expelled Egbert from the throne, and raiſed to it one called Ricſig. But not long after, Halden, the Daniſh king, marching towards the ſea coaſt with the greateſt part of his army, from Repton in Derbyſhire, where he had for ſome time reſided, embarked his troops; and having entered the Tyne, landed them near Tynmouth. After wintering there, the Danes ſpread their ravages from the eaſt to the weſtern ſea, over all thoſe parts of the Northumbrian kingdom that lay on the north of the Tyne, and which had hitherto eſcaped their fury. The churches and monaſteries, with the prieſts and monks, being ſtill the peculiar objects of their deſtroying rage, Eardulf, at that time biſhop of Lindisfarn, and Eadred abbot of the convent there, reſolved to abandon a place, whoſe revered ſanctity among Chriſtians ſerved only to expoſe it the more to the barbarous fury of Pagan invaders. But in forſaking the place, they carried along with them all thoſe things that made it be eſteemed holy; the incorrupted body of their patron St. Cuthbert, and the † relics of his brother ſaints. With theſe, the biſhop and abbot, accompanied with ſeveral prieſts, who had been trained up in the monaſtery; ſeven of whom were diſtinguiſhed above the reſt, by their having the peculiar charge of attending and carrying the *repoſitory* of the ſacred body; wandered through Northumberland for the ſpace of ſeven years, expoſed to innumerable hardſhips and perils; and from the time of their deſerting Lindisfarn, that Iſland ceaſed to be an epiſcopal ſee, after having enjoyed that honour 241 years ‡.

A. D. 873. Sim. Dun. Chron. Sax.

A. D. 875.

Sim. Dun. H. D. Ecc. l. 2. c. 6.

In

* Simeon of Durham aſcribes the deſtruction of theſe two kings, to the injuries they had done to the church of St. Cuthbert. Oſbert having ſacrilegiouſly taken from it Werieworde (Warkworth) and Tillmouth; and Ella, Billingham, Ileclif, Wigeclif, and Creek. Sim. Hiſt. Dun. Ecc. l. 2. c. 6. The ruins of a chapel, formerly ſacred to St. Cuthbert, ſtill remain a little below the preſent village of Tillmouth, one of the places mentioned above, and very nigh the conflux of the Till and Tweed; and by the ſide of theſe ruins lie the fragments of a great ſtone trough, which the people of the neighbourhood call a ſtone boat; in which, tradition ſays, St. Cuthbert ſailed down the Tweed from Mailros to this place. Sir Francis Blake, the preſent proprietor of the grounds, had the curioſity, to examine on hydroſtatical principles, whether this great trough, when intire, might have ſwam; and found that it certainly might. But the ſwimming of ſo great a maſs of ſtone was a notable miracle for the times of monkiſh ſuperſtition.

† Theſe relics, according to Simeon, were the head of Oſwald king and martyr, part of the bones of Aidan, Colman having carried the reſt to Scotland; and the bones alſo of Cuthbert's ſucceſſors, Eadbert, Eadfrid, and Ethelwold. Sim. ib. They were all contained in one ſhrine, *in ejuſdem thecæ loculo.* (Simeon's words.)

‡ Higbald, who was biſhop of Lindisfarn at the time of the invaſion of the Danes in 793, held that ſee till 802, and was ſucceeded by Egbert who died in 820: his ſucceſſor Heathured died in 829; and was ſucceeded by Egred, who died in 845; Eanbert was Egred's ſucceſſor, and died in 854; Eardulf ſucceeded, and in the 21ſt year of his biſhopric fled from Holy Iſland, as is related in the text. Of theſe biſhops, Egfrid was a man of a noble family, and diſtinguiſhed himſelf above all

In the year before this deſertion of Lindisfarn, the Scottiſh king, Conſtantine, the ſon of Kenneth the Great, who had ſucceeded his uncle Donald in 858, was defeated in a battle with the Norwegians, on the coaſt of Fife, and put to death in a cave near Carrail, which from that event was called the Black or Devil's Cave. The Norwegians are ſaid to have been inſtigated to invade Scotland by certain Picts, who had fled for refuge to Norway: and the deſtruction of Conſtantine and his army is alſo aſcribed to the treachery of ſome of that people; who, in violation of their plighted faith, had deſerted the Scots in the time of action. The arms of theſe northern invaders about this period univerſally prevailing, and particularly in Northumberland, where nothing remained capable of reſiſting them, the Daniſh king Haldan *, in the Auguſt of the year after the deſertion of Lindisfarn, divided the country of Northumberland among his followers, who now began to plow and ſow; and from this time the Danes date the beginning of their reign over that country. Ricſig, who probably had made his peace with the Danes, dying this year, another Egbert ſucceeded him, being raiſed to that dignity by the Danes, and having under his dominion the country on the north of the Tyne.

A. D. 874. Ford. v. i. p. 193.

Chr. Sax. p. 83. A. D. 876.

Chron. Mailros.

At this time, the illuſtrious Alfred, grandſon of Egbert, and the youngeſt of four ſons of Ethelwolph, who had in ſucceſſion mounted the throne of their father †, was in the 4th or 5th year of his reign. During the reigns of his father and three brothers, the dominion of theſe princes had been with little interruption, haraſſed by invaſions of the Danes. The numbers, ferocity, and horrid treachery of theſe Barbarians, gave a ſevere exerciſe to the extraordinary talents and invincible courage of Alfred, through the firſt ſix years of his reign. He was at laſt reduced to the neceſſity of ſeeking his ſafety for ſome weeks, in an obſcure and inacceſſible retreat in the marſhes of Somerſetſhire. But iſſuing thence unexpectedly, he gave a numerous army of his adverſaries a total defeat; and this victory introduced a courſe of proſperity, which never after deſerted him, and which he employed in the noble works of reſtoring religion, good government, and the uſeful arts of life, through all parts of his dominions. Guthurn, one of the Daniſh kings, whom he conquered in the battle juſt mentioned, was perſuaded by him, together with his nobles, to embrace the Chriſtian religion, and was raiſed by Alfred to the kingdom of the Eaſt Angles, which he held of the Saxon monarch as his

A. D. 878.

all his predeceſſors, by the great additions he made to the dominions of St. Cuthbert. He built the church of Norham to the honour of St. Peter, St. Cuthbert, and Ceolwulf, (king and afterwards monk) and removed to it the body of St. Ceolwulf; and gave to St. Cuthbert the town of Norham, and two towns built by him both of the name of Jedword, with their dependencies; and a church and town he had erected at a place called Geinford, and all belonging to it, from the Tees to the Weor. He added alſo to theſe, Eleclif and Wigeclif, and Billingham in Heorterneſs. Sim. H. D. E. l. 2. c. 5. alſo Hiſt. de Sto. Cuthberto, &c. p. 69.

* Haldane, a village, on the march towards England, in the eaſtern part of Tiviotdale, is probably named from this Daniſh king. Haldane-rigg, Lurdanelaw, Redden or Raveden, (not unlike in ſound to Reafen the name of the Daniſh or inchanted ſtandard) Woden, Howden, or Hoveden, are all of them names of places in the neighbourhood within a few miles of each other, which would ſeem to indicate a conſiderable ſettlement of the Danes to have been once there.

† His three elder brothers were Ethelbald, Ethelbert, and Ethelred, whoſe reigns extended from 857 to 872.

vaſſal. The monks relate, that St. Cuthbert, appearing in a viſion to Alfred, in the extremity of his diſtreſs, foretold to him his approaching deliverance and ſucceſſes. The accompliſhment of this prediction, is ſaid to have inſpired Alfred with the higheſt veneration for Cuthbert; of which he ſoon after gave a conſpicuous proof. For the army of Danes, which had ſettled in Northumberland, having loſt their king Haldan, in the war which this prince waged, in conjunction with other princes of his countrymen, againſt Alfred in the ſouthern parts of his dominions, remained ſome time without a head. In theſe circumſtances, Eadred the abbot of Lindisfarn, who, together with his biſhop, was ſtill flying from one retreat to another with the body of St. Cuthbert, aſſured the biſhop and the whole army of Danes and Engliſh, that St. Cuthbert appearing to him in a viſion, had commanded them to redeem from ſlavery *Guthred*, the ſon of Hardicnut, a youth whom the Danes had ſold to a widow at Whittingham, and to make him their king. This injunction was received with univerſal reverence, and inſtantly obeyed. Guthred was placed on the throne at York, having the ſouthern part of Northumberland ſubject to him; while Egbert reigned over the northern part of that kingdom. Tranquillity and ſecurity being thus in ſome degree gained, and many of the Danes having become Chriſtians, the ſee of Lindisfarn was reſtored at Cheſter *, and this place continued the epiſcopal ſeat for 113 years; at the expiration whereof, it was removed to Durham. Guthred, in gratitude to St. Cuthbert, to whom he aſcribed his extraordinary elevation from ſlavery to a throne, added to the former poſſeſſions of the biſhopric of Lindisfarn all the country between the Tyne and Tees †, known in latter times by the name of the biſhopric of Durham: and Alfred's veneration for the ſame ſaint, induced him both to confirm Guthred in his regal dignity, and to ratify his great donation to Cuthbert. After the death of Guthred, which happened in the 11th year of his reign, the Pagan Danes of Northumberland, notwithſtanding an oath of fidelity, and hoſtages, which they had lately given to Alfred, joined a great army of their countrymen from the continent, which invaded Alfred's ſouthern provinces. But the ſucceſs of this war, which continued three years, was wholly on the ſide of Alfred: and the poor remains of the invaders having retired into Northumberland, were there furniſhed with ſhips, in which they ſailed over to Normandy. After their departure, Alfred eaſily reduced Northumberland to his ſubjection; and, not appointing any vaſſal king, either over the Northumbrians, or Eaſt Angles, the prince that he had ſet over the latter dying not long before, was the firſt king who had held under his immediate ſubjection all the provinces of the heptarchy.

Sim. Dun. G. R. A. p. 146. H. Dun. Ecc. l. 2. c. 13.

Sim. Dun. Ib. p. 147.

A. D. 883.

A. D. 894. Sim. Dun. G. R. A. p. 151.

Cotemporary with Alfred during the moſt part of his reign, was the

* Anciently called Cunceſtre, now Cheſter-le-ſtreet.

† In Simeon or Turgot's Hiſt. Dun. Ecc. this grant, which is ſaid to have been made in conſequence of another viſion of St. Cuthbert to Eadred, is repreſented as comprehending only the country between the Weor (Were) and Tyne, p. 22. At the ſame time, the king appointed St. Cuthbert's church to be a place of refuge for ſuch as ſhould fly to it, for the ſpace of thirty-ſeven days.

Scottiſh

Scottiſh king Gregory *; whom the hiſtorians of his country dignify with the name of Great, in emulation, perhaps, of the fame of the Engliſh monarch who juſtly bore that title. Mighty exploits and conqueſts are aſcribed to him, by theſe hiſtorians, both in England and Ireland; but of theſe feats there remains no trace, nor mention of their author in any of the ancient writers of Engliſh hiſtory. Fordun relates, that the northern provinces of England adjacent to Scotland willingly ſubmitted to Gregory. Boethius and his copyiſts deſcend to particulars, and among the other exploits of their hero, mention his taking of Berwick; which was held by a garriſon of Pagan Danes. But the inhabitants, being Saxons and Chriſtians, when the Scottiſh king with his army came before it, betrayed it into the hands of the beſiegers, and joined in putting the garriſon to the ſword. Gregory is afterwards ſaid to have given a total defeat, ſomewhere in Northumberland, to an army of Danes, commanded by a king or leader called Hardunt: this victory was followed by the ſubjection of all Northumberland; and the winter that ſucceeded this proſperous campaign, the Scottiſh monarch is ſaid to have ſpent in Berwick. To the name of Hardunt there is ſome reſemblance in that of Hardicnut, mentioned before, as the father of king Guthred. And St. Cuthbert the patron of this king, is related by the monks to have wrought a moſt aſtoniſhing miracle in his favour againſt a great army of Scots, who had entered Northumberland, and deſtroyed, or attempted to deſtroy, the monaſtery of Lindisfarn. For when Guthred's army, and that of the Scots, were drawn up in array againſt each other, and ready to engage, the earth opening, ſwallowed up, in a moment of time, the whole Scottiſh army. And this is all the mention that is made of the Scots, by any writers of Engliſh hiſtory, during the reign of Alfred.

Ford. l. 4. Boet. Hiſt. Scot. l. 10. fol. 215.

Sim. Dun. H. E. Dun. l. 2. c. 23.

Donald VI. the ſon of Conſtantine, and grandſon of Kenneth the Great, having ſucceeded Gregory on the throne of Scotland, is ſaid to have preſerved, with great labour, the acquiſitions of his predeceſſor, and after a reign of eleven years, to have tranſmitted them to his ſucceſſor Conſtantine. This prince reigned 40 years, and was cotemporary with the two Engliſh monarchs, Edward ſirnamed the Elder, and Athelſtane; of which the former was the ſon and immediate ſucceſſor of Alfred, as the latter was of Edward. Both theſe were able and warlike princes, and had quarrels with Conſtantine, on the account of his aiding the Danes of Northumberland; who were ſtill ready, on every occaſion, to revolt from the Saxon kings. In the ſecond year of the reign of Edward, Ethelwold his couſin rebelled againſt him; and being obliged to fly from the ſouthern provinces where his rebellion began, took refuge firſt in Normandy, and thence coming over to Northumberland, was acknowledged by the Danes of that country as their king. Two years after, Ethelwald having joined to his Northumbrian Danes thoſe of Eſſex, who had alſo put themſelves under his dominion, invaded ſome parts of the country

Ford. l. 4. c. 20.

A. D. 903, —943.

* Gregory reigned from 875 to 892. His predeceſſor was Eth, ſirnamed Swiftfoot (Alipes), the brother of Conſtantine whom the Danes had ſlain. Eth was killed in the ſecond year of his reign, in a battle with Gregory, who mounted the throne, after ſucceſsfully aſſerting by the ſword his title to it, as derived from his father Donald. Fordun.

of

A. D. 905. A. D. 911. of the Weſt Saxons; but engaging with part of Edward's forces, fell in a battle, wherein his own army were the victors. A few years after, the Northumbrian Danes, having, in violation of a peace which Edward had concluded with them, invaded, in conjunction with thoſe of their countrymen called the *Fifburghers* *, ſome of the ſouthern provinces, received a total defeat in Staffordſhire, where they are ſaid to have loſt two of their kings †; and all the ſpoil, which they were carrying homewards, was recovered. In the latter years of his reign, Edward proſecuted with equal vigour and ſucceſs the total reduction of the Danes, who were continually diſturbing him by their inſurrections. The fame of his power and great exploits flying before him, as he moved northwards, the Northumbrian kings, Regnald, and Aldred the ſon of Eadulf, with all the inhabitants of the Northumbrian provinces, ſubmitted to his empire; as are alſo ſaid to have done all the other northern princes, and, among the reſt, the king and nation of Scotland ‡.

Chron. Sax. Flor. Vig.

A. D. 924. Chron. Sax. p. 110.

A. D. 925. Athelſtane, who ſucceeded Edward, and is commonly ſaid to have been his natural ſon, was ſtill a greater prince than his father. Soon after his aſcending the throne, he gave his ſiſter Edgitha, in marriage to Sititric the Daniſh king of Northumberland, hoping, as it would ſeem, by this natural attachment, to put an end to the continual rebellions of the Daniſh inhabitants of that province. But, if this was his view, it was ſoon diſappointed; for Sititric § died the year after his marriage. Whereupon Adulph endeavoured to make himſelf maſter of his territories, and ſeized Bamburgh ‖; from whence he was ſoon expelled by Athelſtane. Afterwards, Godfrid the ſon of Sititric aſſumed the name of king, without Athelſtane's conſent; and ſeized the ſtrong places of the country. But the Saxon monarch marching againſt him with a numerous army, he fled into Scotland; and Athelſtane again eſtabliſhed the country under his own immediate ſubjection, as he had done lately before upon the death of his brother-in-law Sititric. The flight of Godfrid to Scotland, the hoſpitable entertainment and protection he received

A. D. 926. Chr. J. Wallingford. Malmeſ.

Chron. Sax.

* From their inhabiting the five towns of Derby, Nottingham, Leiceſter, Lincoln, and Stamford, in which towns Alfred had allowed them to remain. Carte, vol. i. p. 319.

† Florence of Worceſter calls theſe princes, *Eowils* and *Halfden*, brothers of king Hinguar.

‡ This is the firſt mention of Scotland being brought under the ſovereignty of any Saxon monarchs.

§ John of Wallinford relates, that Athelſtane did, at the time of Sititric's marriage with his ſiſter, advance him to the title of king, and that his dominions conſiſted of the country extending from the Tees to Edinburgh. (Tyrrel. vol. i. p. 330.) Fordun ſays, it was thought that Sititric was cut off, by ſome treacherous contrivance of Athelſtane, in leſs than nine months after his marriage. Boethius is more particular: affirming that Athelſtane inſtigated his ſiſter, whom he calls Beatrix, to give her huſband poiſon. (Ford. l. 4. c. 24. Boet. l. 11.) Matthew of Weſtminſter relates, that Sititric for the love of Edgitha abandoned paganiſm; to which afterwards returning, he died an uncommon and ſhameful death. M. W. p. 185. *Vitam mirabiliter terminavit:* and afterwards he, with Florence of Worceſter, mentions the appearance of fiery beams in the north, which, he ſays, were ſeen over all England, and portended the moſt ſhameful death *(mortem turpiſſimam)* of Sititric, *qui non multo poſt malè periit.*

‖ According to Florence of Worceſter, it was Aldred the ſon of Eadulf, whom Athelſtane expelled from the royal reſidence, which, in the Engliſh tongue, is called Bebbanberig. Flor. ad An. 926.

there from Conſtantine, excited Athelſtane once and again to invade that kingdom; wherein, according to the Engliſh Hiſtorians, his arms prevailed over all oppoſition; and Conſtantine was obliged to ſubmit to the victor as his ſovereign lord. But the Scottiſh king ſoon attempted to free himſelf from this ſubjection, by joining Anlaff king of Ireland and the Iſles, who was the ſon of Sititric, and Conſtantine's own ſon-in-law, in a formidable deſcent made on England by the river Humber. Theſe two kings, whom many princes and chieftains of the north accompanied as allies, received a total defeat from Athelſtane and his brother Edmund, in a memorable battle fought at Brunanburgh *, a place the ſituation of which is now uncertain. Athelſtane by this victory eſtabliſhed his dominion over Northumberland, and recovered Cumberland and Weſtmorland from the Scots. The Engliſh king died about three years after this victory, and two years after the death of Athelſtane; Conſtantine, who had with difficulty eſcaped from the battle of Brunanburgh, retired into a monaſtery of the Culdees at St. Andrews, where he ſpent the remaining five years of his life.

Chron. Sax. Fl. Wor. A. D. 937. Sim. Dun. p. 155.

Ford. l. 4. c. 25.

Edmund, the brother of Athelſtane, ſucceeded him on the Engliſh throne, and two years after, Malcolm I. ſucceeded Conſtantine in the kingdom of Scotland. Perhaps the youth of Edmund, who began to reign in the eighteenth year of his age, encouraged the Northumbrians to indulge their old rebellious diſpoſition, by recalling Anlaff †, the ſon of Sititric out of Ireland, and making him their king. Yet all of them did not ſubmit to him, for ſome part of the country acknowledged as their king Regnald, ſon of Godfrid. Theſe little potentates, ſenſible of their inability to contend with the great Saxon monarch, who led an army againſt them, conciliated his protection by turning Chriſtians: whereupon Edmund received Anlaff from the fount at his baptiſm; and ſoon after adopted Regnald as his ſon in the rite of confirmation. But this friendſhip did not long continue; for two years after, the Saxon monarch, provoked by the perfidy of the Northumbrian princes,

A. D. 941. A. D. 943.

Malmeſ. l. 2. c. 7.

Chron. Sax. Flor. Vig. p. 603. A. D. 943.

A. D. 944.

* Camden, from a reſemblance, I ſuppoſe, of the names, takes Brunanburgh to have been Brumford or Brumridge in Northumberland, ſituated where the river Till changes its name from Bramiſh to Till: but the invaſion of the Scots and their allies being made by the Humber, renders this account of the ſituation of Brunanburgh improbable. Fordun, in his hiſtory of the reign of Conſtantine, makes no mention of Athelſtane's invaſion and conqueſt of Scotland, although he had Malmeſbury's accounts of theſe before him; but acknowledges, that the battle of Brunanburgh was fatal to the Scots; they having loſt by it the dominions conquered in the times of Gregory, and afterwards: and which had been in their poſſeſſion fifty-four years or more. This battle he places A. D. 939, one year later than the Saxon Chronicle, and two years later than Florence of Worceſter. According to the ſame author, Conſtantine was the firſt of the Scottiſh kings, who made the apparent heir to his crown prince of Cumberland. Eugene, who was the apparent heir of Conſtantine, had this dominion conferred upon him in the ſixteenth year of Conſtantine's reign. A. D. 919. Fordun, l. 4. c. 24, 25.

† Roger Hoveden calls him Onlaff, king of the Norwegians, and relates, that he made ſo formidable an invaſion into Edmund's dominions, that the latter, by a league concluded through the interpoſition of Odo archbiſhop of Canterbury, and Walſton of York, reſigned to him all the country to the north of Watling-ſtreet. Then he ſays, that Onlaff, having deſtroyed the church of Baltherus and burnt Tynningham, ſoon after died. He adds, that the inhabitants of York waſted the Iſle of Lindisfarn, and ſlew many: and ſubjoins after all, that a ſon of Sititric named Onlaff, reigned over the Northumbrians. Hoveden, p. 423.

drove

drove both of them out of their dominions. For the farther ſecurity of theſe
A. D. 945. northern provinces againſt the inſurrections or invaſions of the Danes, after
Ford. l. 4. c. 26. having waſted Cumberland, he made a preſent of it, to Malcolm king of Scotland *; thereby engaging that king to enter into a cloſe alliance with him, againſt the barbarous invaders of the north.

A. D. 946. Edmund's ſhort reign being brought to a period by a violent and untimely death, he was ſucceeded by his brother Edred. This king, ſoon after his
Chron. Sax. Chron. Mailr. acceſſion, quieted ſome new commotions among the Northumbrians, and reduced them to a ſtate of entire ſubjection †. But this was in a few years in-
A. D. 949. terrupted by the return of Anlaff; whom they again received as their king. They themſelves ſoon after expelled him, and advanced to the regal dignity
A. D. 952. Yric the ſon of Harold. Edred, provoked to the higheſt degree by their in-
Flor. Vig. p. 604. Sim. Dun. veterate perfidy, made an expedition into their country, ſpreading deſolation wherever he came ‡. But as he was returning homewards, a body of Nor-
G. R. A. p. 156. thumbrians ſallying out of York, attacked the rear of his army, and ſlew a great number of them. Upon which, the king, greatly enraged, threatened to return and make a total deſtruction of every thing he had hitherto ſpared.
A. D. 954. The Northumbrians, terrified with theſe menaces, expelled the king they had choſen; and by the force of humble ſubmiſſions, promiſes, and preſents, prevailed with Edred to lay aſide his reſentment and receive them into favour.
Sim. Dun. G. R. A. p. 204. Hoved. p. 423. In Yric, whom they now expelled §, the name and dignity of king was for ever extinguiſhed among them. They alſo ſlew Amancus the ſon of Onlaf, a pretender to their throne; and were thenceforth governed by Earls under the Saxon monarchs; the firſt of whom was Oſulph, at this time created by Edred.

Under the reign of Edred, a weak and ſuperſtitious prince, Dunſtan, abbot of Glanſtonbury, had acquired exorbitant power and credit at the Engliſh court. This emboldened him to behave in ſo inſolent a manner to Edwy, Edred's nephew and ſucceſſor ‖, as provoked that monarch to baniſh him to

* Fearing, ſays Fordun, leſt the people of Cumberland ſhould adhere to the Scots, as the Northumbrians did to Anlaff. It was alſo, according to the ſame author, agreed, that Indulf the heir of Malcolm, and his ſucceſſors, heirs to the kings of Scotland, ſhould ſwear fealty and do homage to Edmund and his ſucceſſors, for Cumberland. Ford. l. 4. c. 21.

† At the ſame time he is ſaid to have received an oath of fealty from the Scots. *Scoti etiam* (ſays the Saxon Chronicle) *ei juramenta præſtiterunt ſeſe velle quicquid is vellet. A Scotis*, (ſays Florence of Worceſter) *ut ſibi fideles eſſent, juramentum accepit.* According to Fordun, this oath of fealty was given for Malcolm by Indulfus prince of Cumberland, agreeable to the condition on which Edmund had given the province to the Scotch king. Ford. l. 4. c. 27.

‡ According to Fordun, Edred was aſſiſted in this expedition by Malcolm, who thereby provoked the grievous reſentment of the Norwegians and Danes.

§ Florence of Worceſter and the Mailros Chronicle place the expulſion of Yric in the year 950. The former doth not mention the reſtoration of Anlaf; which by the latter is placed in 947. In 949, according to Florence and Simeon of Durham, Wulſtan archbiſhop of York, and the Northumbrian nobles, ſwore fealty to Edred in a town called Taddenſcliff; but ſoon broke their oath, by raiſing one Incus of Daniſh extraction to their throne. This oath to Edred, the Mailros Chronicle ſpeaks of, as a conſequence of their expelling Anlaf, and places it in 948; in which year Hoveden places the expulſion of Yric. Other Engliſh annaliſts differ ſomewhat in their accounts of the times and circumſtances of theſe tranſactions; but none of them ſeem more deſerving of credit than thoſe we have quoted.

‖ Edwy was eldeſt ſon to Edmund, Edred's brother and immediate predeceſſor.

Flanders. But ſuch was the influence of Dunſtan and his fellow monks at that time in the kingdom, that the Mercians and Northumbrians, eaſily receiving the bad impreſſions thoſe monks gave them of Edwy, revolted from him, and ſet up his brother Edgar, a boy of thirteen years of age, for their king. Edwy, after endeavouring in vain to ſubdue the rebels, found himſelf obliged to yield to his brother all the country from the Thames to the northern boundary of the Engliſh dominions; which, according to the Chronicle of Wallingford, did then comprehend the country called Lothian, extending to Edinburgh or the Maiden-Caſtle. The death of Edwy happening two or three years after this diviſion, his brother Edgar became monarch of all England. A. D. 957. Wallingford in Gale's Coll. vol. i. p. 543. A. D. 959.

The reigns of the three Scottiſh kings, Indulf, Duff, and Cullen, who aſcended the throne in ſucceſſion after * Malcolm I., were ſhort and obſcure. Indulf was diſtreſſed by deſcents of the Danes; as his predeceſſor Malcolm had alſo been, in revenge of the league which this latter had entered into with the Engliſh king Edmund; and which was faithfully obſerved by the ſucceſſors of theſe monarchs, as long as the Saxon race of kings continued on the throne of England. Kenneth III. ſucceeding Cullen, reigned twenty-four years. He proved himſelf to be a prince of ſpirit and enterpriſe by his warlike exploits againſt the Danes, and by the new eſtabliſhment he made with regard to the ſucceſſion of his kingdom. According to ancient cuſtom, when the children of any deceaſed king had not arrived to an age fit for reigning, ſome other prince of the royal blood aſcended the throne, who was mature in years, and in other reſpects qualified for the truſt. But Kenneth obtained the conſent of the ſtates of the kingdom to ſettle the ſucceſſion on the neareſt ſurviving deſcendant or blood-relation of the deceaſed king, of whatever age; a law which, through the ambition of thoſe who had pretenſions to the crown by the ancient rule of ſucceſſion, gave occaſion to civil wars and uſurpations, and had not its full and uninterrupted effect, until more than a hundred years after it was firſt introduced. Ford. l. 4. c. 30. A. D. 970.

The Engliſh monarch Edgar was cotemporary with Kenneth, during the five laſt years of the reign of the former. In the beginning of Edgar's reign, Dunſtan was promoted to the archbiſhopric of Canterbury; and had, through the whole of that reign, the entire direction of all affairs, both in church and ſtate. Dunſtan was guilty of grievous tyranny and oppreſſion, in expelling from monaſteries and churches the ſecular and married clergy, and introducing regulars in their room: but, at the ſame time, he ſeems to be juſtly celebrated for the wiſdom and vigour he diſplayed, in maintaining peace and ſecuring the nation effectually, during all Edgar's reign, againſt the deſcents of the Danes. It is probable, that his dread of offending the Northumbrians, whoſe fickle and rebellious diſpoſitions had ſo often been experienced, hindered his introducing monks into the religious foundations of that people; where they were not known till after the Norman Conqueſt. The ſame con- Sim. Dun.

* Indulf reigned from 952 to 961; Duff his ſucceſſor to 965; and Cullen to 970. Malcolm and theſe three all died violent deaths. Indulf was killed by the Danes: Malcolm, Duff, and Cullen, fell by conſpiracies of their ſubjects.

Chr. J. Wal. p. 544.

ſiderations determined Edgar to divide Northumberland into two earldoms; the hereditary government of the whole, which Edred had conferred on Oſulf, appearing an elevation too high for a ſubject; eſpecially among a people who ſo much affected liberty and an independent ſtate, as the Northumbrians. This regulation for the government of Northumberland, was made in a council of the barons of that country held at York: and Oſulf dying about that time, Oſlach * was made earl of the country between the Humber and Tees; while the government of the country from the Tees to the Forth, together with the ſame title, was conferred on Eadulf ſirnamed Ewelthild. The pacific ſpirit of Edgar's adminiſtration, is a circumſtance that gives ſome credibility to what ſome Engliſh writers relate, of his giving up Edinburgh and Lothian to the king of Scotland. An ancient anonymous Chronicle ſays, that in the time of the Scottiſh king Indulf, the town of Eden was evacuated and left to the Scots. If this account be true, and if the ſurrender of Edinburgh was made by Edgar, it muſt have happened either during the two or three years that he reigned over the northern provinces, or ſoon after his acceſſion to the whole of the Engliſh † monarchy. But the ſurrender of Lothian is related with a greater number of circumſtances; and is placed by the authors who ſpeak of it, in the laſt year of Edgar's reign. According to theſe accounts, the two Northumbrian earls, Oſlach and Eadulf, and Elfsi ‡, biſhop of Cheſter, to which place the ſee of Lindisfarn was transferred, as is related above, having extolled to Kenneth king of Scotland the greatneſs and magnificence of Edgar, excited in the mind of the former, a ſtrong deſire of ſeeing and converſing with his neighbour monarch: Edgar apprized of this deſire, immediately expreſſed his willingneſs to gratify it; and appointed the two earls and the biſhop to attend Kenneth to the Engliſh court. The hoſpitable reception he found there, encouraged him to explain to Edgar, the claim he had to the county of Lothian; which he alleged was the hereditary poſſeſſion of the kings of Scotland. Edgar, deſirous to treat with due attention a matter of ſo much importance, laid the affair before his council or ſupreme court. Theſe conſidering the expoſed ſituation of this province, the difficulty of acceſs to defend it, and the ſmall revenue ariſing from it, gave their conſent to its being yielded to Kenneth, upon the conditions of his paying homage for it to Edgar, and that the inhabitants ſhould retain their Engliſh name, language, and cuſtoms. The ſurrender was accordingly made, and this country, which comprehended not only the preſent Lothian, but alſo the country betwixt it and the Tweed, continued from that time, without interrup-

Cam. Gibſ. vol. ii. p. 188. Innes, Crit. Eſſay, p. 787.

Chr. Walling. apud Gale, vol. i. p. 545. Mat. Weſt. p. 192, 193.

* This earl in the year in which king Edgar died (975) was driven out of England. The Saxon Chronicle in tragic phraſes deplores his fate, calls him the long-haired hero, wiſe and prudent in ſpeech; and again, that famous earl; but does not relate the cauſe of his baniſhment.

This Chronicle was ſeen by Camden in Lord Burleigh's library, and is publiſhed by Father Innes in the Appendix to his Critical Eſſay.

† For this acceſſion of Edgar was in 959, and Indulf died in 961. Accordingly, Camden ſays, that it happened about 960.

‡ Elfsi, called by Turgot, Elfsig, was biſhop of Cheſter from 968 to 990. He was noble by birth, but much nobler by his virtues; the memory of which remained freſh for ſeveral ſucceeding generations. Turg. l. 2. c. 20.

tion, in the poſſeſſion of the Scottiſh kings. If the account of this tranſaction be juſt *, either the hiſtory of Kenneth Macalpin's extending his kingdom as far as the Tweed muſt be falſe; or ſome of the Saxon kings who reigned after that Scottiſh conqueror, muſt have again brought under their dominion the country between the Tweed and Forth. But how, or by whom, this was effected, the obſcure and imperfect hiſtory of thoſe times leaves us in the dark.

Edgar, the hero of the monks, dying in the flower of his age, was ſucceeded by his ſon Edward, ſirnamed the martyr; who, in leſs than three years, fell a victim to the ambition of his ſtep-mother Elfrida. Her ſon Ethelred, a boy of ten years of age, was the next heir to the Engliſh throne; and aſcended it, after his brother's death. The long reign of Ethelred, after an almoſt uninterrupted calm of twelve years, in the beginning became a continued ſcene of all the moſt direful calamities that could ariſe from inteſtine diſorders, joined to the reiterated invaſions of fierce and cruel enemies. The king was weak, timid, and unſteady; the pride and power of his nobles too great for him to control; his natural ſubjects enervated by a long peace; and the ſword in the hands of Daniſh mercenaries, who betrayed their maſters, whom they hated, to their countrymen, who with mighty fleets and armies made, from time to time, deſcents on the coaſts of England. A. D. 975. 978.

The firſt great invaſion of the Danes in this reign was in 991; and then alſo was the unhappy meaſure taken of paying them a † *great* ſum, as the price of their retiring; which, inſtead of producing future ſecurity, gave encouragement to new invaders; who continually raiſed the price of the ſmall reſpites from ravage and deſolation, that were thus meanly purchaſed. Their firſt exploit, in a new deſcent on the northern parts of England, was the total deſtruction of Bamburgh, where a rich booty was taken. In the ſequel of this expedition, the fatal effect appeared of the invaders having friends, and countrymen, or their deſcendants, ſettled in theſe provinces. For having entered the Humber, and committed dreadful ravages on both ſides of it, a great body of the inhabitants of thoſe parts aſſembled for the defence of their country; but when ready to engage their enemies, their commanders being of Daniſh extraction ‡, were the firſt to turn their backs, and ſo left their followers a helpleſs prey to the fierce invaders. A. D. 993. Chr. Sax. Fl. Vig.

Two years after this invaſion, the dread of a new one, together with a pretended revelation made to biſhop Aldun §, determined the monks, who attended A. D. 995.

* The account in the text is that which is given by Wallingford. Matthew Weſtminſter, a much later writer, relates the ſame event with leſs probable circumſtances. But of this ſurrender of Lothian there is no mention in the Saxon Chronicle, or in the more ancient Engliſh hiſtorians; nor is it at all mentioned by Fordun or Boethius the hiſtorians of Scotland.

† Raiſed by the tax called *Danegelt*.

‡ Frana, Frithogiſt, and Goodwin, *quia ex paterno genere Danici fuerunt, ſuis inſidiantes, auctores fugæ primitus extiterunt.* Fl. Vig.

§ Eardulf, in whoſe time (ſee above, p. 137 and 143.) Cuthbert's body was tranſlated to Cheſter, lived in that ſee nineteen years after, and died in the 46th year of his incumbency. The ſucceſſor of Eardulf was Tilred, who held his ſee thirteen years and four months; then Wigred was biſhop ſeventeen years; and was ſucceeded by Uchtred who held the ſee three years; Sexhelm

tended the body of St. Cuthbert, to travel once more with their ſacred depoſit. They carried it to Rippon in Yorkſhire; but the apprehenſion of danger being diſſipated, in a few months they were returning back to their former reſidence, and were only a few miles diſtant from it, when miraculous notice was given them, of the ſaint's deſire to fix his habitation in the place where the city of Durham now ſtands, and which has ever ſince continued to be the ſeat of this ancient biſhopric. The inhabitants of the whole country between the Coquet and the Tees devoutly aſſiſted in clearing the ground, which was a wild foreſt; and in erecting a church, which, in the third year after its foundation, was dedicated by Aldun.

Sim. Dun. H. D. E. p. 27, 28.

A. D. 988. Sept. 4.

The ſucceſſor of Oſulph or of Eadulph in the earldom of Northumberland was Waltheof, ſirnamed * the Elder. In the advanced years of this earl, and while Aldan was biſhop of Durham, an invaſion is ſaid to have been made by Malcolm † king of Scotland, into the province of the Northumbrians. While this prince, after having committed great ravages in the country, laid ſiege to Durham, Waltheof, debilitated by age, ſhut himſelf up in the caſtle of Bamburgh. But Uchtred, Waltheof's ſon, a youth of great courage, who had married Egfrida, the daughter of biſhop Aldun, having aſſembled and armed a numerous body of Northumbrians and Yorkſhire men, attacked and almoſt totally deſtroyed the Scottiſh army; their king, with a few of his attendants, eſcaping with difficulty from the field of battle. In reward of this gallant and important ſervice, king Ethelred conferred on Uchtred the earldom of his father, while the latter was yet alive, adding to it the earldom of the ſouthern part of the province, according to its ancient diviſion. The good fortune of Aldun, in being thus delivered from his northern foes, met with a ſad reverſe before the end of his life; for in a battle fought at Carrum, againſt an immenſe number of Scots, almoſt the whole fighting men between the Tees and Tweed, with their chiefs, were cut off ‡. This deſtruction of

S'm. de Obſeſſione Dunelmi, &c. p. 79.

A. D. 1018. Sim. H. Dun. Ecc. p. 30. Chr. Mail. p. 155.

ſucceeded, but St. Cuthbert provoked at his oppreſſive and avaricious practices, terrified him in dreams with ſuch menaces, that he ſoon abandoned his charge. Aldred was his ſucceſſor, but it is not related how long either of theſe remained in the ſee. Elfsig ſucceeded and was biſhop twenty-two years; in whoſe room Aldun was elected and conſecrated biſhop, in the year 990. Turg. H. D. E. l. 2. c. 15,—20.

* The authors who do not mention Eadulph, make Waltheof the ſucceſſor of earl Oſulph. Hoved. Chr. Mailr.

† Malcolm the ſon of Kenneth III. after the two uſurpers Conſtantine and Grim, who were the next ſucceſſors of his father, began to reign in 1004, and reigned till 1034. Hence he was contemporary with Aldun, who continued biſhop at Durham twenty-four years after the epiſcopal ſeat was fixed there in 995. The date of this tranſaction, as it ſtands in Simeon's account of the ſiege of Durham, is equally inconſiſtent with the Chronology of the biſhops of Durham, as with that of the Scottiſh kings; and therefore muſt have been the blunder of ſome tranſcriber, or perhaps the whole ſtory is a fiction.

‡ This battle in Simeon's Hiſt. de Geſt. R. A. is ſaid to have been fought between Uchtred the ſon of Waldeof the earl of the Northumbrians, and Malcolm the ſon of Kenneth king of the Scots, with whom was in the battle Eugenius Calvus, rex Lutinenſium. Sim. p. 177, *ad ann.* 1018. But this ſeems inconſiſtent with what is related, under both the preceding years, of Canute's giving the earldom of Northumberland to Eyric or Hire after Uchtred's death, which is placed by that author in A. D. 1016. Goodall, in his preface to Fordun, ſays, that this battle happened in the time of Eadulf ſirnamed Cudel, the brother of Uchtred, and either the immediate ſucceſſor of Uchtred or of Eyric. But this ſeems to be ſaid without a ſufficient warrant, as neither the duration of Eyric's, nor of Eadulf 's earldom, is recorded.

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the people of St. Cuthbert, is ſaid to have wounded the good biſhop to the heart. He deplored to his patron his hard fate; and entreated with the utmoſt earneſtneſs, that he himſelf might not ſurvive the loſs of his flock. It is probable, that the exceſs of his own grief accompliſhed what he aſked of the ſaint; for in a few days he fell ſick and died.

Uchtred, having turned away the daughter of biſhop Aldun, and having alſo been married a ſecond time *, became, by a third marriage, ſon-in-law to king Ethelred; who, on account of Uchtred's great military atchievements, gave him to wife his daughter Elfgiva. In that invaſion of Swein the Daniſh king, which iſſued in the conqueſt of all England, and the flight of king Ethelred to Normandy; Uchtred and the Northumbrians were the firſt who ſubmitted to the conqueror. But Swein dying not many weeks after, Ethelred, being invited home by the greateſt part of the Engliſh nobles, returned from Normandy, and reſumed the exerciſe of his royal power: at the ſame time, Canute, the ſon of Swein, exerted all his might to maintain the acquiſitions of his father. His own power and courage were greatly aided in this work by the perfidy of Edric Streon, the infamous duke of Mercia, who, after having often betrayed his ſovereign, did at laſt openly deſert to his adverſary and rival for the crown. This deſertion obliged Edmund, ſirnamed Ironſide, the valiant ſon of king Ethelred, to retire to his brother-in-law Uchtred; who had reſiſted the entreaties of tempting offers, by which Canute ſought to win him to his ſide. Uchtred, in conjunction with Edmund, made ſucceſsful incurſions into ſome of the counties that had ſubmitted to Canute: but the Daniſh hero, directing his arms againſt them, forced Uchtred to ſubmit; while Edmund, retiring the beſt way he could, joined his father at London. Uchtred being required to attend Canute in perſon, to pay homage to him, as his lord, and having for this purpoſe received proper aſſurances of ſafety, was, notwithſtanding theſe, in his way to the king's preſence, aſſaulted from an ambuſh laid for him by Turebrand †, and ſlain, together with forty of his attendants. This murder was believed to have been perpetrated by the order or permiſſion of Canute; who, in the room of Uchtred, made Eyric earl of Northumberland. Afterwards Canute carried his conquering arms ſouthwards, and Ethelred dying at London in April, and Edmund, his valiant ſon, in the November following, Canute obtained the undiſturbed poſſeſſion of the whole kingdom of England, and reigned over it with great glory nineteen years.

A. D. 1013. Chron. Sax. Fl. Vig. Sim. Dun. Col. 79, 204, 172.

Hoved. p. 434. Chron. Sax.

The earldom of Northumberland ſeems to have continued but a ſhort time in the poſſeſſion of Eyric. Malmeſbury ſays, that he, and Turkhill, whom Canute had, in the beginning of his reign, made earl of the Eaſt Angles, were, on certain allegations or pretexts improved againſt them, driven out of

Malmeſ. l. 2, c. 11.

* His ſecond wife's name was Sigin, the daughter of a rich citizen, Styr the ſon of Ulf, who gave him his daughter as a reward for putting to death Turbrand his great enemy.

† This Turebrand was ſirnamed Hold. Florence calls him a noble Dane, Hoveden a very rich Dane, (p. 424). The Saxon Chronicle, Simeon and Hoveden, mention Thureytil, the ſon of Nafana, as being ſlain along with Uchtred.

England,

England, and obliged to return to their native country. In ſome accounts of the ſucceſſion of the Northumbrian earls, Eyric is omitted; and Uchtred is ſaid to have been ſucceeded by his brother Eadulf-Cudel, whoſe character was the reverſe of that of Uchtred: being of a ſluggiſh and fearful nature, and dreading the revenge of the Scots againſt himſelf, for what they had ſuffered from his brother, he ſurrendered to them the whole of Lothian, as a compenſation for their loſſes, and the price of their friendſhip. And this is a ſecond account, given by ſome Engliſh writers, of the way in which Lothian came into the poſſeſſion of the Scots.

Sim. de Obſeſ. Dun. Col. 81.

The ſucceſſor of Eadulf-Cudel in the Northumbrian earldom, was Aldred the ſon of earl Uchtred; of whom there is nothing memorable related, but his avenging the murder of his father, by putting to death Turebrand the murderer; and his afterwards falling a ſacrifice himſelf to the treachery and reſentment of Curl, Turebrand's ſon. Such were the manners of thoſe times! Aldred was ſucceeded by his brother Eadulf, who, having committed depredations upon the Welch, by which he provoked the diſpleaſure of king Hardicanute *, as he was on his way towards that monarch, to make his ſubmiſſion and obtain a reconciliation, was ſlain by Siward, who ſucceeded him in the earldom. Siward was a man of gigantic ſtature, and a mighty champion in war. He is related to have been a Daniſh adventurer; and his original being foreign and unknown, ſome of the monks have deviſed circumſtances of his birth and firſt exploits, that are moſt abſurdly fabulous. One of theſe annaliſts † repreſents his promotion to the earldom, as made by Edward the Confeſſor, who was adviſed by his great men, that for the better protection of his kingdom againſt the northern invaders, *the little devil ſhould be firſt expoſed to the great devil*; meaning, that Siward ſhould have the charge of that part of England which was moſt likely firſt to be invaded by the Danes. This charge he accordingly received, took to wife Alfleda, earl

Sim. Dun. Col. 204.

Brompton, Col. 945-50.

* Canute dying in 1035 (12th Nov.) was ſucceeded by his ſon Harold (Harefoot) who, dying in 1040, was ſucceeded by his brother Hardicanute; who, reigning only two years, was ſucceeded in 1042, by Edward the Confeſſor.

† The ſame author relates, that Siward, ſoon after his arrival at Edward's court, being affronted by Toſti earl of Huntingdon, cut off Toſti's head, and was advanced by the king to the earldom he had thus made vacant; which was the firſt promotion conferred on him by Edward. But Brompton's account of Siward, though containing more particulars than any other, ſeems, by reaſon of the fables and evident errors interwoven with it, to be the leaſt deſerving of credit. Beſides the account of Simeon of Durham in the text, which ſeems to aſcribe Siward's advancement to the Northumbrian earldom to king Hardicanute; Turgot in his Hiſt. Dun. Ecc. Col. 34. ſays, that in 1042, the year in which Edward the Confeſſor began to reign, Egelric was advanced to the ſee of Durham; and Siward, after having killed earl Eadulf, had at that time the adminiſtration of the earldom of the whole province of Northumberland from the Humber to the Tweed. Florence of Worceſter, copied by Simeon, mentions Siward, as earl of Northumberland in 1041, and as ſent by Hardicanute with his other earls, to puniſh the people of Worceſter for killing two of his tax-gatherers. But none of theſe accounts agree well with the affinity of Duncan king of Scotland with earl Siward, which, according to the Scottiſh hiſtorians, was contracted while Duncan was yet prince of Cumberland. Fordun, l. 4. c. 49. ſays expreſsly, that Duncan begat in the days of his grandfather Malcolm II. two ſons, Malcolm Canmore and Donald Bane; and farther, that as ſoon as he was crowned king of Scotland, he gave the province of Cumberland to Malcolm.

Aldred's

Aldred's daughter; and ſuſtained his dignity, with great valour and ſucceſs, during the firſt half of Edward's reign.

Malcolm, the ſon of Kenneth, who, as well as his father, is one of the great names in the ancient line of Scottiſh kings, did not attain to the poſſeſſion of the crown, agreeably to the new law of ſucceſſion eſtabliſhed by his father, until after the death of Conſtantine and Grim; who ſucceſſively ſeized the crown, and both fell defending their poſſeſſion of it in battle. Malcolm is celebrated for his victories over the Danes, and is alſo ſaid in a difficult battle near Burgh to have given a defeat to Uchtred the Northumbrian earl, who had committed ſome depredations in Cumberland. He had, according to the cuſtom of ſeveral of his predeceſſors, put his grandſon Duncan the apparent heir of his throne into poſſeſſion of that province. Duncan could not have acceſs to the court of Ethelred to obtain from that unhappy monarch the confirmation of his principality; by reaſon of the prevailing power of the Danes in the interjacent Engliſh provinces: and when Canute had become king of all England, Malcolm regarding him as an uſurper, would not allow his grandſon to pay him that homage for Cumberland, which he eſteemed only due to the Saxon race of monarchs. This conduct of Malcolm provoked Canute, after his return from his pilgrimage to Rome, to lead a great army into Cumberland *, with which a mighty hoſt of Scots, headed by their king, was ready to engage; but by the interpoſition of biſhops and other good men, the effuſion of blood was prevented; and it was agreed, that the heir to the crown of Scotland, ſhould hold the principality of Cumberland from Canute, on the ſame condition of fealty as it had been held from the Saxon kings.

Ford. l. 4. c. 43.

A. D. 1031. Ford. l. 4. c. 46.

Malcolm was brought to an untimely end by the treachery of certain relations of his predeceſſors Conſtantine and Grim. His grandſon Duncan, however, ſucceeded him in the throne, but after a ſhort reign of ſix years was cut off by Macbeth; who poſſeſſed himſelf of the kingdom, and held it ſeventeen years. Duncan, while reſiding in his principality, had contracted affinity with the Northumbrian earl Siward, by taking to wife the daughter †, or ſome near relation of that potent chieftain. This alliance opened an aſylum to Malcolm Canmore, the eldeſt ſon of Duncan, whom, together with his brother Donald Bane, the uſurper ſought to deſtroy. After continuing two years in Scotland, and finding their friends there unable any longer to protect

A. D. 1034.

A. D. 1040.

Ford. l. 4. c. 58.

* The Saxon Chronicle ſays, that in this expedition Malcolm was ſubdued by Canute, and alſo other two kings, Mælbeath and Jehmarc. Malmeſbury and others follow this account; but the ſubjection of Malcolm is not mentioned either by Florence of Worceſter, or Simeon of Durham. The account of the text is that given by Fordun. Matt. Weſtm. ſays, *contra Scotos rebellantes hoſtilem expeditionem duxit, et Malcolmum regem, cum duobus aliis regibus, levi negotio, ſuperavit.* p. 209.

† Fordun calls her the couſin of Siward. Boethius and Buchanan ſay, ſhe was his daughter. The Engliſh Hiſtorians do not ſpeak of this affinity.

The time of Siward's being advanced to the earldom of Northumberland, according to any of the accounts given by the Engliſh writers, is hard to be reconciled with the hiſtory of this marriage in the Scottiſh writers. Perhaps Duncan married ſome near relation of Siward's wife, Elfleda, deſcended of the former race of Northumbrian earls.

them,

them, Malcolm had recourſe to earl Siward, while his brother Donald fled to the weſtern iſles. Siward received the young prince with great humanity, and carried him to the court of Edward; who being a prince of much goodneſs, and having by his flight to Normandy from the iniquity of the Daniſh uſurpers, himſelf experienced the diſtreſſes of exile, gave an hoſpitable reception to the royal refugee, and entertained him at his court ſeveral years. Macbeth from good beginnings having degenerated into a cruel and rapacious tyrant, Malcolm was ſolicited by many of his ſubjects to return to his native country, and aſſert his juſt claim to his father's throne. At laſt Macduff, the powerful thane of Fife, abandoning Macbeth's, and eſpouſing Malcolm's intereſts, the latter was encouraged to attempt the recovery of his inheritance.

Ford. l. 5. c. 7.

The countenance and aid of the Engliſh king was readily obtained: Siward, with the permiſſion of king Edward, accompanied the prince into Scotland, where great numbers immediately joined him; and Macbeth being abandoned by his army, and obliged to ſeek his ſafety in flight, was ſoon overtaken and ſlain (*a*). This expedition of Siward with his couſin or grandſon Malcolm into Scotland *, is by the Engliſh writers placed two or three years ſooner than the year in which, according to the Scottiſh hiſtorians, Malcolm aſcended the throne. Siward died the year following at York, maintaining to the laſt his martial ſpirit, and clad in his laſt agonies, at his own deſire, in all the habiliments of war.

(*a*) At Lunſanan beyond the mountains, according to Fordun.

A. D. 1055. Brompton, Col. 946.

Siward's ſon being too young to adminiſter the earldom, it was conferred on Toſti, one of the ſons of the mighty earl Goodwin †; who had died two years before, and was ſucceeded in his extenſive poſſeſſions and great power by his eldeſt ſon Harold. Toſti diſplayed a bold and intrepid ſpirit in ſupporting, againſt the oppreſſion of the Roman pontiff, Aldred archbiſhop of York, whom he accompanied to Rome to receive the pall. While he was abſent on this journey, he is ſaid to have been ill uſed by Malcolm Canmore

1053.

1061. Brompton, ad An. Sim. Dun. G. R. A. Chron. Mailr.

* No mention is made of this expedition by the Saxon Chronicle. Florence ſays, that Siward, by the king's command, invaded Scotland with a mighty fleet and an army of horſemen, and fought a battle with Macbeth, wherein many thouſand Scots, and all the Normans who had lately taken refuge in Scotland, being ſlain, and Macbeth totally routed, Siward, as Edward had commanded, made Malcolm king. In this battle, however, Siward's ſon, and many of the Danes and Engliſh fell. The ſame account is given by William of Malmeſbury, Simeon of Durham, Hoveden, and others; only they call Malcolm the ſon of the king of the Cumbrians. Theſe authors, and the Chronicle of Mailros, place Siward's expedition into Scotland in 1054, and his death in 1055. The Normans mentioned above, were Oſbern, ſirnamed Pen'ecoſt, and Hugo, who were obliged to fly into Scotland two years before, upon the reconciliation between Edward and earl Goodwin; which earl had rebelled againſt the king, on account of the favour given by the latter to the Normans. Brompton ſpeaks of a ſon of Siward, called Oſbern Bulax, who fell fighting bravely in Scotland, or according to others, in Northumberland, where he was oppoſing an inſurrection that happened in that province, while his father was engaged in his Scottiſh expedition. But Bromptom's hiſtory of Siward is, in ſeveral particulars, fabulous and erroneous. Fordun places Malcolm's acceſſion to the throne of Scotland in 1057, on St. Mark's day April 25th. According to the ſame author, Macbeth was ſlain on the 5th of December in the preceding year. An effort was made by ſome of Malcolm's friends to raiſe to the throne Lulach, who was a near relation to the tyrant, but he was killed by Malcolm or his friends on April 3d.

Col. 946.

† In Malmeſbury's liſt of Goodwin's ſons he is the fourth; but Huntingdon and Knighton ſpeak of him as being the eldeſt.

king of Scotland; who, although Toſti's ſworn ally *, made a waſting inroad into his province, and violated the peace of St. Cuthbert in Holy Iſland. Toſti alſo ſhewed his courage in an expedition into Wales, in company with his brother Harold. But this courage was vitiated by an unbounded pride and barbarous ferocity; which brought upon him both the diſpleaſure of the king, and the juſt reſentment of the inhabitants of the province, over which he preſided. His jealouſy and wrath againſt his brother Harold was ſo extreme and furious, that he attacked him with blows, and ſeized him by the hair in the preſence of the king at Windſor. The ſame rage prompted him immediately after to maſſacre his brother's domeſtics at Hereford, where they were preparing a feaſt for the king; and to put the limbs of their mangled bodies, into the veſſels of the liquors that were to be drunk at this entertainment; after which he ſent a meſſage to the king to inform him, that he would find the meat well cured at the feaſt he was going to. The king, it is ſaid, gave orders that he ſhould be immediately expelled the kingdom; but it ſeems that theſe orders would have ſcarce had their effect, if the Northumbrians, provoked by certain cruel murders, that had been committed on ſome perſons of eminence in their country by the contrivance and orders of Toſti, and by a moſt oppreſſive tax he had impoſed upon them, had not declared an invincible reſolution to ſubmit no longer to his government. Some who had military commands in the province, accompanied by two hundred ſoldiers, cut off, in the neighbourhood of York, the like number of Toſti's dependents and two Danes his domeſtics, and ſeized all his arms and treaſures. This ſerved as a ſignal for a general inſurrection of the province; who met at Northampton, and afterwards at Oxford, earl Harold, whom the king had ſent to quiet the commotion, and, if poſſible, to reconcile them to Toſti. But they perſevering in their purpoſe, and being ſupported by Edwin earl of Mercia, the next in power to Harold, obliged Toſti and his accomplices to abandon the kingdom, a little after the feaſt of All Saints. The exiled earl found a retreat in the dominions of Baldwin earl of Flanders, whoſe daughter Judith he had married: and Morcar brother to Edwin, was, at the requeſt of the provincials, promoted by the king to the vacant earldom.

Huntingt. p. 367.

Chr. Sax. Flor. Vig. Sim. Dun. H. R. A. col. 192, 193. Alur. Bev. l. 8. (Carte.)

The expulſion of Toſti was ſoon followed by events that firſt aggrandized to the higheſt ſtate, and then on a ſudden wholly ruined the family to which he belonged. Edward the Confeſſor dying in the beginning of the following year without iſſue, and without heirs that were capable of aſſerting their right; Harold availed himſelf of his vaſt power, wealth, and influence, and ſeized the vacant throne. He had in particular attached to him Morcar and his brother Edwin, perſons in the kingdom next in power to himſelf, by marrying their ſiſter Elgitha. His ſhort reign was firſt diſturbed by his jealous and reſentful brother Toſti, who by the aſſiſtance of his father-in-law, and William duke of Normandy, the huſband of his wife's ſiſter, having collected a fleet of ſixty ſhips, did begin with haraſſing the Iſle of Wight and the coaſts

A. D. 1066. Jan. 5th.

Chron. Sax. Flor. Vig. Sim. Dun. ad An.

* Toſti, together with Kinſi, archbiſhop of York, and Egelwin biſhop of Durham, had conducted Malcolm to the preſence of Edward two years before. Sim. ad Ann.

of ſome of the ſouth eaſtern counties, from whence proceeding northwards, he made a deſcent in Lincolnſhire, but was driven back to his ſhips by the earls Edwin and Morcar. After this repulſe he ſought refuge in Scotland; where he remained till he was informed that Harold Hartager, king of Norway, had entered the Tyne with a great fleet. Having joined him as ſoon as poſſible, they ſailed together up the Humber; and with combined forces put to the rout an army which Edwin and Morcar led too haſtily againſt them. But Harold five days after encountered the victorious invaders, with a great army
Sept. 25. at Stamford bridge: in this battle, which was fought with great fury, both the Norwegian king and Toſti were ſlain, together with the greateſt part of their followers: but in leſs than three weeks, this proſperity of Harold had a fatal reverſe; for having loſt many of his beſt troops in the battle juſt mentioned, and offended the reſt by ſeizing to himſelf the ſpoils of their vanquiſhed foes, he haſtened with much inferior ſtrength to encounter William duke of Normandy,
Oct. 14. who had landed on the coaſt of Suſſex; and in a great and deciſive battle fought near Haſtings, was defeated and ſlain. After this victory every thing yielding to William, he was crowned king of England before the expiration of the year; and became the founder of that race of princes which hath ever ſince poſſeſſed the Engliſh and Britiſh throne.

THE BORDER-HISTORY OF ENGLAND AND SCOTLAND.

BOOK II.

IN the battle of Haſtings, the greater part of the Engliſh forces fell with Harold; but Morcar and Edwin either were not on the field, or by declining to fight ſaved themſelves and their followers. As ſoon as they heard of Harold's death they repaired to London; where the citizens were all inclined to ſupport the claim of Edgar Atheling, the grandſon of Edmund Ironſide, and rightful heir of the Saxon line of monarchs: but the two ambitious earls, unwilling to put on the head of a boy a crown which they hoped would be offered to one of themſelves, retired in diſcontent from London with their forces: and the friends of Edgar, reduced to the neceſſity of ſubmitting to the prevailing power of the victor, gave their concurrence in advancing him to the throne. Nor had he been long crowned before Morcar, with his brother, and the other nobles who had not been preſent at his coronation, repaired to him, to make their ſubmiſſion and ſwear fealty. As he claimed the crown as his juſt right by virtue of the deſtination of the late king, he regarded all who bore arms againſt him in the field as traitors; and therefore, whether they fell in the action or ſurvived it, he forfeited their lands, and diſtributed them amongſt his followers. The Northumbrian earl, by declining to fight, eſcaped forfeiture, and was confirmed in his poſſeſſions. But in the ſpring of the following year, he with the other chief Engliſh nobles was carried over to Normandy, in a viſit which William made to that country; their preſence at home during the abſence of the king being judged unſafe, after ſo recent and violent a revolution.

Will. Conqueror, K. of England. Mal. Canemore, K. of Scotland.

Flor. Vig. 1066.

Order. Vit. l. 3. p. 503.

1067.

The abſence of theſe powerful chieftains did not hinder ſome troubleſome inſurrections; which William returned to quaſh in the end of the year. But his rapid ſucceſs in ſubduing ſeveral of theſe inſurrections, did not diſcourage Morcar, with his brother Edwin, from taking arms in the north. Theſe potent and popular chieftains were offended at the king's requiring their attendance on him to Normandy; and Edwin, in particular, is ſaid to have reſented his being deceived in the hopes given him of marrying the king's daughter. The two brothers applied for aid both to the Scots and Danes; but theſe aids not arriving in time, and the king every where prevailing againſt the friends of the earls in the different parts of the kingdom, they found it neceſſary, upon William's advancing northwards, to make their ſubmiſſion; and upon their doing ſo were pardoned. Egelwin biſhop of Durham had the ſame ſucceſs in imploring the victor's clemency to himſelf and his city. This prelate afterwards acted as a mediator between William and Malcolm king of Scotland,

Order. Vit. p. 511, 512.

1068.

Will Conqueror, K. of England.

land, who was advancing with an army to the aid of his Engliſh allies, but could not be with them in time. Malcolm, it is ſaid, readily accepted the overtures of peace; and ſent ambaſſadors to William, to take the oath of fealty he owed to the crown of England. During theſe confuſions, Goſpatrick and Merleſwain, with many other nobles of the higheſt rank in the north of England, dreading the king's ſeverity, and conſulting their own liberty and ſafety, as well as that of the remains of the late Saxon race of their princes, fled for refuge into Scotland; paſſing thither by ſea, and carrying along with them Edgar Atheling, with his mother Agatha, and ſiſters Margaret and Chriſtina. Malcolm gave them a hoſpitable reception; and either at this time, or not long after, took to wife Margaret, the eldeſt of Edgar's ſiſters.

Flor. Vig.

This near alliance of Malcolm with Edgar, the juſt heir to the Engliſh crown, joined to the mighty obligations the former was under to Edward the Confeſſor; the habitudes he had probably contracted, during his long reſidence in England, and perhaps his relation to Waltheof, the ſon of Siward, engaged him to open his kingdom as an aſylum to the diſtreſſed Engliſh, who fled to it in great numbers; and alſo led him often to take up arms againſt their Norman oppreſſors.

A. D. 69.

The king, in order to bring the Northumbrians to a more perfect obedience than they had hitherto yielded, ſent Robert de Cumin, with ſeven hundred men, to be their earl or governor *: but they, reſolving rather to die than ſubmit to the dominion of a foreigner, broke into Durham in the dawn of the morning, after Cumin's arrival in that place, and made a general maſſacre of himſelf and his followers; one only of the whole number eſcaping. This deſtruction being followed by a rebellion at York, William marched in perſon to the ſcene of theſe commotions, and ſoon quelled them.

Sim. Dun. H. D. E. l. 3. c. 15. Jan. 28.

Carte, p. 404.

During this expedition of William † into his northern provinces, or ſoon after it, Coſpatrick ſeems to have obtained from him the earldom of Northumberland; having purchaſed the king's confirmation of his title to it by a great ſum of money. Coſpatrick claimed this dignity, as being deſcended from a former race of earls; for his mother Algitha was the daughter of earl Uchtred, by his wife Elfgiva, king Ethelred's daughter: Algitha's huſband, and the father of Coſpatrick, was Maldred §, the ſon of Crinan, it is related by Simeon of Durham, that Morcar, after his advancement to the earldom of Northumberland, being occupied in other great affairs, gave the earldom of the

De G. R. A. c. 204.

* Carte, quoting Ordericus Vitalis, p. 512. and Alured of Beverly, calls Cumin earl or governor of the county of Durham: but Simeon ſays, he was ſent to govern the Northumbrians on the north ſide of the Tyne. The Saxon chronicle ſays generally, that the king gave him an earldom in the land of the Northumbrians; and adds, that he had an army of nine thouſand men, who were cut off together with himſelf. Turgot (in Hiſt. Dun. Ecc. l. 3. c. 15.) relates, that William, after having long ſuffered the Northumbrians to continue in a ſtate of rebellion, did, in the third year of his reign, ſet over them Cumin as their earl.

Sim. Dun. 198.

† Carte is quoted in the margin, as the authority for this expedition into the North, not noticed by ſeveral of the annaliſts. He does not diſtinctly quote his author, but it ſeems to be Ordericus Vitalis, p. 512. or Alured Beverl. or both.

§ Maldred was alſo the Progenitor of the noble family of the Nevilles. Dugdale's Peerage, vol. i. p. 287.

country

country beyond the Tyne to Oſulph, a youth, the ſon of Eadulf, who was earl Uchtred's brother and ſucceſſor. According to the ſame author, the king, having deprived Oſulph of his earldom, conferred it on Copſi, the uncle of earl Toſti, a man of wiſdom and experience in affairs, and who had formerly had the charge of the province while Toſti was earl. Oſulph being expelled his earldom by Copſi, and obliged to take ſhelter in the woods and mountains, collected around him a band of men in the like deſperate circumſtances. With theſe deſperadoes he beſet an houſe where Copſi was feaſting, and purſuing him to a church, to which he had fled as a ſanctuary, and which his purſuers immediately ſet on fire, he was ſlain by Oſulph in the entrance of it. This happened on the 11th of March, in the fifth week after Copſi was made earl. In the following autumn Oſulph received a mortal wound, by the lance of a robber, whom he had raſhly attacked. And after the death of Oſulph, according to the annaliſt who relates the circumſtances juſt mentioned, and moſt probably alſo after the death of Robert Cumin *, the king ſold the earldom to Coſpatrick. Mal. Canemore, K. of Scotland.

In the autumn of the ſame year, an army of Danes, joined by forces from Scotland, with whom came Edgar Atheling, and thoſe who had accompanied his flight, made a deſcent near York, and took that city and its caſtle, having deſtroyed the Normans who defended them. Many of the greateſt lords of the North, and in particular earl Coſpatrick †, with the whole power of the Northumbrians, having joined theſe invaders, the preſence of William became again neceſſary to oppoſe ſo formidable a combination. By bribing the Danes to retire, and cutting off proviſions from thoſe who held out York, he obliged the latter to ſubmit. But, in defending the place, Waltheof, the ſon of Siward, diſtinguiſhed himſelf by ſuch extraordinary feats of courage, that William reſolved to make him his friend by the force of clemency and generoſity. Beſides pardoning him, and confirming him in his former poſſeſſions of the earldoms of Northampton and Huntingdon, he made him new grants; and gave him his niece Judith to wife. Incenſed, however, to the higheſt degree, by the repeated inſurrections of the fierce people of the North, he laid their country waſte, by fire and ſword §, all the way from York to Durham, Sim. Dun. C. 198.

* This is the order adopted by Dugdale, vol. i. p. 54. Simeon, in his account of the ſucceſſion of the Northumbrian earls, wherein he is copied by Hoveden and others, ſays, That on the death of Oſulph, Coſpatrick purchaſed the Northumbrian earldom; yet moſt inconſiſtently aſſerts, that Copſi, who was ſlain by Oſulph, was not promoted to his earldom, until Morcar was taken and impriſoned, which was in 1071. The truth is, the accounts given by the annaliſts of theſe tranſactions are neither conſiſtent nor diſtinct.

† So Simeon expreſsly calls him; which is a proof that he had obtained this dignity before William's expedition northwards in the end of the year.

§ The dread of approaching danger and deſolation, which the innocent were expoſed to ſuffer along with the guilty, determined Egelwin, biſhop of Durham, and the great men of his dioceſe, to ſeek by flight their own ſafety, and that of their *ſacred depoſit*, the uncorrupted body of St. Cuthbert. This they hoped to find in the place from which the like dread of foreign invaders had occaſioned the removal of that body 194 years before. In the depth of winter they took their way towards Holy Iſland, where they arrived on the evening of the fourth day after their leaving Durham. The tide was then full, but on the approach of the ſaint, if we believe his monks, it was ſo complaiſant as to open a paſſage for the proceſſion; the waves cloſe following the foot-ſteps of the company; but Turgot, H.D.E. I. 3. c. 15. Sim. Dun. G. R. A. c. 199. Dec. 11th.

Will. Conqueror, K. of England.

ham, especially near the sea; that future invaders from Denmark might not, in their descents on that coast, be able to find subsistence. In this northern expedition, William penetrated as far as Durham and Hexham, and built a castle in the former of these places *.

Ord. Vit. p. 515.

A. D. 1070.

Soon after the Conqueror left the Northumbrian territories, Malcolm, king of Scotland, entered them by the way of Cumberland, which was then subject to him; and made great devastations along the course of the Tees, and afterwards in Cleveland. While Malcolm was thus employed, Cospatrick made an inroad into Cumberland; and, after ravaging that country, returned with great spoils, and shut himself up in Bamburgh. From thence making frequent sallies, he annoyed and weakened the forces of Malcolm; who, greatly provoked by what he suffered, and probably the more that Cospatrick from a friend had become his enemy, committed the most horrid cruelties upon the Northumbrians, and carried such multitudes of them captives into his own country, that, for a long time after, scarce a little house in Scotland was to be found without English slaves of the one or other sex. Simeon of Durham relates, that while Malcolm was on this expedition, he found on board ships at the mouth of the Were, Edgar Atheling, his mother and sisters, accompanied by Siward, Barn, Marlswein, Elfwin the son of Norman, and several other Englishmen of great rank and wealth; who having joined at York the Danes, who were now gone to their own country, and dreading the resentment of William, were on their way to Scotland to seek refuge there. Malcolm, being acquainted with their purpose, addressed them with great kindness, and assured them of a welcome and safe residence in his dominions, as long as they pleased. They accordingly proceeded in their voyage; and Mal-

Sim. Dun. c. 200. Hoved.

Ford. l. 5. c. 18.

Sim. ibid.

but proceeding no farther, whether they moved fast or slow. In this retreat, the bishop and his followers having attended their charge more than three months, and being then informed, that the king had moved into the southern parts, carried back the body of the saint, and after cleansing his church from every defilement, restored it to its accustomed place. A crucifix richly adorned with vestments, presented by earl Tosti and his lady, was the only moveable of value that had been left in the cathedral of Durham; as being difficult to carry, and also from the expectation that a thing so sacred would excite a greater reverence to the church. But on the return of the bishop and his train, it was found thrown down on the floor, and stripped of all the gold, silver, and gems that formerly adorned it. In a legendary tale, which Simeon of Durham, or Turgot, relates on this occasion, earl Cospatrick is charged with having advised the flight of the bishop and his clergy, and with having made his advantage of it, by carrying off the precious ornaments of their church. An ancient priest of Durham, one of the company who fled to Holy Island, told Turgot a dream, in which he said, he saw a great Northumbrian baron, who had maltreated bishop Egelwin and his company in their flight, suffering the torments of Hell; and also, in the same dream, had heard St. Cuthbert denouncing woes against Cospatrick for the sacrilege he had committed on his Church. The inspiration of this dream is said to have been confirmed by the sudden death, at the very time, of the person whose soul was seen in Hell: and when Turgot related this story to Cospatrick, after the retreat of that earl to Scotland, he was seized with horror, and immediately set out on a pilgrimage, on his naked feet, to the Holy Island; seeking forgiveness from the Saint by prayers and gifts. Turgot adds, that after Cospatrick had been guilty of the impiety above related, he was never in the same honourable state as before; but was expelled from his earldom, and, during the remainder of his life, underwent many adversities and sufferings.

5th April.

* According to Simeon of Durham, William did not build this castle until his return from his expedition into Scotland in 1072. Sim. Dun. c. 205.

colm, on his return, finding them arrived, made good all his engagements; and, with the conſent of her relations, took to wife Margaret, the ſiſter of Edgar, who, by her piety and ſweetneſs of diſpoſition, is ſaid to have ſoftened the ferocity, and humanized the temper and manners of her huſband. Mal. Canemore, K. of Scotland.

The following year was fatal to the two brothers, Morcar and Edwin; who, continuing the objects of William's jealouſy, and apprehending that he was about to deprive them of their liberty, fled from his court, ſeeking ſhelter in ſuch retreats as ſeemed moſt ſecure. But it was not eaſy to eſcape ſo mighty and vigilant an adverſary. Morcar joined a body of deſperate men, who, headed by Hereward his uncle, undertook to defend themſelves in the Iſle of Ely. After a long and brave reſiſtance, Hereward, with a few companions, forced his way through the ſurrounding marſhes and foes. But Morcar, with many others, were obliged to yield themſelves to William, who kept Morcar in priſon all the reſt of his reign. Edwin, flying towards Scotland to put himſelf under the protection of king Malcolm, was betrayed by ſome of his followers into the hands of certain Norman ſoldiers, and ſlain. In the following year William found himſelf at leiſure to undertake an expedition againſt the Scottiſh King, in which he employed great force, both by land and ſea. Malcolm met him with a great army, at a place near his frontiers, which moſt of the Engliſh annaliſts call Abernithi *. William finding nothing in the country that could allure a Conqueror; and Malcolm conſenting to perform the accuſtomed homage, and to give hoſtages, a peace was concluded, in conſequence of which, Edgar Atheling did again return into England, where his inſignificancy preſerved him in ſafety, during a long life. William, on his return from this expedition, deprived Coſpatrick of his earldom of Northumberland; accuſing him of giving council and aid to thoſe who had put to death

A. D. 1072.

Ita Flor. ad Ann. and Brompton, alſo Sim. Dun. in words of Florence.

A. D. 1072.

Sim. Dun.

* The annals of Waverly ſay, That in the entry into Scotland he croſſed *Scodwæde*. This is a name ſometimes given by Fordun to the Eſk, or Frith of Solway, which makes it probable that Abernithi expreſſes a place, where there was a port, or ſtation of veſſels, (according to the meaning of the Britiſh word Aber) at the mouth of the Nith; which is not far from the paſſage into Scotland over the Eſk, near its mouth. According to this interpretation, Abernithi muſt have been ſituated where the preſent Dumfries ſtands. The Saxon Chronicle ſays, that William entered Scotland at Gewæde, which Dr. Gibſon tranſlates Tweed. Goodall ſays, That it ſhould be rendered *the Ford* (Vadum) and ſo would denote the ſame as Scothwæde, Sulwath, or the Eſk, near where it empties itſelf into that Frith. Hoveden's account of William's returning ſouthward, by the way of Durham, where, according to that author and others, he did at this time build the caſtle, agrees better with his having entered Scotland by the Tweed. Matthew of Weſtminſter ſays expreſsly, that William entered Scotland with a great army, and that Malcolm met him peaceably at Berwick, and paid him homage; (*Devenit homo ſuus.*)

Ford. l. 2. c. 2. l. 3. c. 7.

Goodall Introd. to Ford. p. 46. Hov. Ann. Mat. Weſt.

If Abernethi, or as Florence hath it, Abernithiei, be read Aberuithi, or Aberuithici, the name will approach near to that of Berwick: and in the ancient manuſcripts, the one of theſe letters, n for u, might be eaſily miſtaken for the other.

But it muſt be owned, that a ſtrong objection to either of theſe accounts of Abernithi, and an argument for its being Abernethy in Fife, ariſes from a paſſage in the ſpeech aſcribed by Ealred Abbot of Rievalle to Walter Eſpec, before the battle of the Standard. There, it is ſaid, that William the Conqueror penetrated through Laodonia, Calatria, and Scotia, as far as Abernith, where the warlike Malcolm ſurrendered himſelf to William as his vaſſal. Ethelred de Bello Stand. ap. Dec. Script. p. 340. What gives great weight to this authority, is Ealred's being cotemporary with David, Malcolm's third ſon, and his knowledge of Scotch affairs, as he was David's intimate friend, and the companion of prince Henry from his childhood. Dec. Scr. 349, 350, 368.

Will. Conqueror, K. of England. Sim. Dun. p. 204.

at Durham Robert Cuming and his followers; and alſo to thoſe who had deſtroyed the Normans at York. Coſpatrick probably apprehending the loſs of his life or liberty, as well as his dignity and eſtate, took refuge in Scotland. After a ſhort ſtay there, he paſſed over to Flanders; Malcolm, perhaps, fearing to entertain him, ſo ſoon after a peace concluded with England. But ſome time after he returned to Scotland; and then Malcolm gave him Dunbar, with the adjacent lands in Lothian, for the ſupport of himſelf and houſehold, until the return of better times. William, immediately after Coſpatrick's expulſion, conferred his earldom on Waltheof, the ſon of earl Siward.

A. D. 1074. The proſperity and greatneſs of William excited the malignity, even of his Norman chieftains; and, as is uſual with uſurpers, the exertions of his power, for his own preſervation, were often arbitrary and ſevere. Theſe things provoked moſt of his Norman and other foreign vaſſals, to whom he had diſtributed the lands of England, to enter into a conſpiracy againſt him, while he was abſent in Normandy. To this conſpiracy earl Waltheof was privy, and promiſed ſecrecy to the other conſpirators, though, on account of his obligations to William, he declined being active in the intended inſurrection. He even ſoon broke his ſecrecy, communicating the plot to his wife, and to Lanfranc, archbiſhop of Canterbury, who prevailed with him to go over to Normandy to reveal it to the king. The dread of being betrayed by Waltheof, or of their deſigns coming to light in ſome other way, impelled the conſpirators to begin their inſurrections too early: nor did the Danes, from whom they expected a great aid, arrive in time to ſupport them. Theſe circumſtances contributed to the eaſy ſuppreſſion of the conſpiracy, by the king's faithful friends, and by himſelf after his return. Many of the conſpirators were puniſhed by death, the putting out of their eyes, or mutilation; and Waltheof, notwithſtanding the alleviating circumſtances above recited, was, chiefly on the teſtimony of his wife Judith, condemned to die. He was, after ſeveral months impriſonment, beheaded on a hill near Wincheſter; and was the laſt Engliſhman, who, ſince the conqueſt, retained any conſiderable power or intereſt in the nation. Walcher, biſhop of Durham, who ſucceeded Egelwin†, and was one of thoſe foreigners whom William choſe to advance to the great Engliſh ſees, did, after the death of Waltheof, purchaſe from the king the Northumbrian earldom.

A. D. 1075. April 29.

The particular cauſes that broke the peace between Malcolm and William, are not recorded by hiſtorians; but Malcolm began his inroads about ſeven

† Egelwin, in the year 1070, unwilling to ſubmit to the oppreſſion of the Normans, embarked, in order to ſail for Germany, intending to ſpend the remainder of his life in a voluntary exile at Cologne. But contrary winds carried him into Scotland, where he ſpent the winter. In the following ſpring he joined Hereward and Morcar, and ſhared with them in their deſperate defence of Ely; where he fell into the king's hands, and died in priſon, in the end of the year 1071.

Walcher, and Waltheof, according to Simeon of Durham and Hoveden, lived in the greateſt friendſhip. Waltheof ſitting with the biſhop in the ſynods of his clergy, and humbly and obediently putting in execution the decrees of the biſhop, for reforming religion within the bounds of his dioceſe. Hoved. p. 455. His body was firſt interred near the place of his execution, but was afterwards buried in the chapter-houſe of the abbey of Croyland; where the monks ſaid it remained uncorrupted, and wrought miracles. Of conſequence he was honoured as a ſaint. Dugd. Peer. 1. 55.

years after the expedition of William into Scotland, above related. While William was employed on the frontiers of Wales, the Scottiſh king, in the autumn, over-ran the country as far as the Tyne, making havock every where with fire and ſword, and carrying home many captives and much booty. It ſeems ſomewhat unaccountable, that Malcolm ſhould have been ſo cruel, as the Engliſh annaliſts repreſent him, to the Northumbrians; who appear to have born an enmity equal to his own againſt the Normans. This was ſhewn in a very conſpicuous inſtance, in the year that followed the laſt-mentioned incurſion of the Scots. Walcher, biſhop of Durham, who had, during about ſix years, held the Northumbrian earldom, was himſelf a pious, learned, and good man; but he was unhappy in the choice of his miniſters, and favourites. Giſlibert, his kinſman, was intruſted by him as his deputy in the adminiſtration of the earldom; and his chief confident in all his affairs, was his chaplain Leofwin ‡. The biſhop, at the ſame time, treating with great reſpect, and admitting to his councils, Ligulf, a Saxon nobleman, eminent by his poſſeſſions, high alliance §, and perſonal virtues: the jealouſy and reſentment of the Norman favourites were thereby excited; and Leofwin, on a particular occaſion, thinking himſelf grievouſly affronted by Ligulf, ſolicited Giſlibert to put him to death. This Giſlibert readily undertook; and aſſaulting his houſe in the night-time, murdered Ligulf himſelf, and the greateſt part of his family. The biſhop, though greatly diſpleaſed, yet continuing to entertain and employ the guilty perſons, incurred the blame and reſentment ariſing from their wicked deed; and in a meeting held at Gateſhead, where he propoſed to compound the matter between Ligulf's relations and Leofwin, the incenſed multitude *, with much cruelty, deſtroyed not only the two principal offenders, but alſo the biſhop himſelf, and the reſt of his company, to the number of about an hundred. Odo, biſhop of Bayeux, the Conqueror's uterine brother, and his *chief juſticiary* †, being ſent down with an army to puniſh this outrage, revenged the crime of the offenders, moſt of whom had fled, upon the province to which they belonged, by putting many cruelly to death, mutilating others, and laying waſte the country.

Mal. Canemore, K. of Scotland. A. D. 1079.

A. D. 1080. Flor. Vig. Sim. Dun.

May 14.

It was in the third year of Walcher's biſhoprick, that Aldwin and two other monks, from the province of Mercia, gave a revival to monkery in the provinces to the north of the Humber, after it had been extinguiſhed, and unknown there, for two hundred and eight years; that is, from the time the Danes had deſtroyed the convents. Aldwin and his companions came firſt to

A. D. 1074. Sim. Dun. G. R. A. p. 206. Turgot. H. D. E. p. 43, 44, 45.

‡ Turgot calls Leofwin his archdeacon.

§ Ligulf married Algitha, the ſiſter of Alfleda, wife of earl Siward, and mother to Waltheof. Sim. Dun.

* The leader of this multitude was Eadulf, ſirnamed Rus, a great grandſon of earl Uchtred, and conſequently related by affinity to Ligulf. Eadulf is ſaid to have killed the biſhop with his own hand; but ſoon after, being killed himſelf by a woman, he was buried in the church of *Geddewerde*; from whence afterwards this nuiſance was caſt out by Turgot, when prior and arch deacon of the church of Durham. Sim. Dun. Col. 204. But Turgot himſelf calls this murderer Walthef; and ſays that he was killed by his wife's brother. Turgot, l. 3. c. 23.

† Turgot aptly deſcribes the greatneſs of this office of Juſticiary in thoſe times; ſpea king of Odo, he ſays, *qui tunc a rege ſecundus fuerat.*

Will. Conqueror, K. of England.

Newcaſtle, then called Monkcheſter; but Walcher being informed of their pious intent, took them immediately under his protection, and gave them the ruined monaſtery of Jarrow. But Aldwin leaving the care of Jarrow to one of his companions, and carrying along with him Turgot, whom biſhop Walcher had recommended to his tuition, ſet out for Mailros, where St. Cuthbert was firſt known. What was formerly a monaſtery, they found now a ſolitude; but delighted with the retired ſituation of the place, they there took up their abode, and applied themſelves to their devotions. Having repaired the ruins of the church in the ſimpleſt manner, and reared a hut contiguous to it, for a place of eating and ſleeping, they were joined by a few Northumbrians, and by ſeveral from the more ſouthern provinces; and received a ſcanty ſuſtenance from the alms of the religious. But Malcolm, to whom the place was ſubject, oppreſſed and perſecuted them very cruelly; becauſe that, revering the precept in the goſpel, they refuſed to ſwear fidelity to him. In the mean time Walcher, by repeated letters and commands, entreated and adjured them to return and live under the protection of St. Cuthbert; and at laſt proceeded ſo far as to threaten them with excommunication, if they continued obſtinate. The dread of excommunication had more influence with them than the fear of the king, or of the death that he threatened; for they had determined rather to die, than abandon the place. Upon their return to Walcher, he gave Aldwin the monaſtery of Weremouth, and endowed it with the town of the ſame name. In the time of biſhop Walcher's ſucceſſor, the monks of the two monaſteries of Jarrow and Weremouth were brought to Durham, and were ſubſtituted in the place of the canons, who formerly performed divine offices, and attended the body of St. Cuthbert in the cathedral church. Aldwin was their firſt prior; Turgot, his diſciple, ſucceeded him; and in the reign of Alexander I. of Scotland, was promoted to the biſhoprick of St. Andrew's.

The devaſtations of Odo, mentioned above, were followed by an inroad of Malcolm, the Scottiſh king; to whoſe protection the murderers of biſhop Walcher probably had recourſe. Malcolm is ſaid by Fordun to have purſued Odo, to have defeated his forces, and waſted Yorkſhire. It is at leaſt certain, that William found it neceſſary to ſend his eldeſt ſon Robert to oppoſe the progreſs of the Scots. Malcolm retired before him, and Robert advanced into Scotland; but ſoon returning without having atchieved any thing of moment, he built a caſtle on the Tyne, at a place called, formerly, *Monkcheſter*, but afterwards, from the caſtle then erected, *Newcaſtle*. During the laſt ſeven years of the Conqueror's reign, the only thing we meet with in hiſtory, concerning the affairs of Northumberland, is, that on the alarm of a formidable invaſion, which Canute, king of Denmark, was preparing to make into England, William brought over from the continent a great army of foreign mercenaries, for the defence of his kingdom, and ſent ſeveral thouſands of them into the Northumbrian territories. After all that had been ſuffered by that miſerable country, theſe ſoldiers had ſtill orders to waſte it, that no ſubſiſtence might be found in it by the invaders; whoſe expedition was ſtopt by contrary winds and domeſtic diſturbances. When the ſucceſſive diſorders and devaſtations of theſe northern parts, during the Conqueror's reign, are conſidered, it is not

Fordun, l. 5. c. 21. A. D. 1080. Sim. Dun. Col. xii.

A. D. 1085.

to

to be wondered that there is no account of Northumberland, Cumberland, and Weſtmoreland, in the famous Doomſday Book, which contains a particular ſurvey of all the parts of England, and was finiſhed the year before the Conqueror's death. Mal. Canemore, K. of Scotland.

William the Conqueror, dying in Normandy, was ſucceeded in the dukedom of that province, by his eldeſt ſon Robert, and in the kingdom of England, by his ſecond ſon William, ſirnamed Rufus. The old king, on his death-bed, gave orders for ſetting free all priſoners; upon their engaging, by oath, not to diſturb the public peace. Morcar, formerly earl of Northumberland, who had been a priſoner in Normandy, having thus regained his liberty, came over to England with Rufus, after the Conqueror's death; but his liberty exciting the jealouſy of Rufus, he was, immediately after his arrival in England, committed again to cuſtody at Wincheſter*. It ſoon appeared, however, that Rufus had leſs to fear from the Engliſh, whom he had very thoroughly ſubdued, than from the haughty and turbulent ſpirit of the Norman barons; many of whom were attached to his brother Robert, both for his perſonal good qualities, and his title by primogeniture to his father's throne. In the ſpring of the following year, a number of inſurrections were made by theſe lords, in different parts of the kingdom; all which Rufus, and thoſe who continued faithful to him, ſoon ſubdued. Among the inſurgents, was William de Carilif†, biſhop of Durham, who was in the higheſt confidence with Rufus, and accounted his prime miniſter. This biſhop exerted all his power and influence againſt the king in the North; but after Rufus had given the fatal blow to the rebellion in the South, by reducing the caſtle of Rocheſter, he ſent an army againſt the biſhop, who was obliged to ſurrender his caſtle of Durham, and to retire into Normandy, where he remained more than two years. Robert de Moubrai was at this time earl of Northumberland, and was engaged in the rebellion, along with his uncle Geffrey, biſhop of Coutance in Normandy. But Geffrey having at that time the charge of the caſtle of Briſtol, where Robert was with him, the ſcene of their enterpriſes, one of which was the deſtruction of the city of Bath, was far remote from Robert's northern province. The preciſe time when the earldom of Northumberland was conferred on Robert is not known. After the death of biſhop Walcher, one Alberic, a Norman, was advanced by the Conqueror to that dignity; but proving unequal to a charge of ſuch importance and difficulty, was ſoon removed from it, and returned to his own country. The above-mentioned Geffrey, biſhop of Coutance, appears to have had, for ſome time, the adminiſtration of this earldom; which afterwards was given to his nephew, Robert de Moubrai, a celebrated warrior, bold, ſtern, and haughty. His uncle, the biſhop, was an eminent leader in the Conqueror's army that invaded England, and gained the battle of Haſtings; where this prelate ſignalized his courage, and, for his reward, re-

A. D. 1087.

Ord. Vit.

A. D. 1088.

Chron. Sax. Flor. Vig.

Ann. Dun. ap. Whart. Ang. Sac. v. 2. p. 704.

Sim. Dun.

Dugdale's Peerage, vol. 1.

* Together with Morcar, he committed alſo to priſon Wulnoth, brother of king Harold, who had been detained in Normandy, as a hoſtage and priſoner ſince 1052.

† William de Carilif, ſo called from the monaſtery, to which he had belonged, ſucceeded Walcher in the ſee of Durham; to which he was nominated by the king, Ann. 1080, 9th Nov.

William Rufus, K. of England.

ceived a large ſhare of the lands of the vanquiſhed; and to all which his nephew Robert was the heir.

The fierce uſurping temper of Rufus ſoon led him to take advantage of the indolence and mildneſs of his brother Robert, and of thoſe civil diſcords which prevailed in Normandy, from the character of its ruler. William firſt employed his wealth to corrupt his brother's ſubjects, and then openly invaded his dominions; but by the interpoſition of the Norman barons, many of whom had lands both in England and Normandy, a reconciliation was effected between them. Malcolm, king of Scotland, who was not pleaſed with the ſucceſſion of Rufus to the crown of England, to the excluſion of his elder brother Robert, ſeized the opportunity of William's abſence, made an invaſion into Northumberland, and was advancing farther into the kingdom, but the great men of the country collecting their forces to oppoſe him, he returned to Scotland, carrying with him conſiderable ſpoils. Rufus, informed of this invaſion, which was made in May, came over from Normandy in Auguſt, accompanied by his brother Robert. Soon after an expedition was undertaken againſt Scotland, both by ſea and land; in which expedition Robert did alſo attend the king. But ere it reached Scotland, the fleet was almoſt totally deſtroyed by a ſtorm, which happened a few days before Michaelmas. The land-army alſo ſuffered much by cold, and ſcarcity of proviſions. In theſe circumſtances Malcolm met them with his army, ſomewhere near the frontier of his dominions *; and is ſaid to have ſent a meſſage to the Engliſh camp, offering his homage to Robert, as being the Conqueror's eldeſt ſon, agreeable to his engagements to his father; but at the ſame time denouncing plain war againſt Rufus. Edgar Atheling was then with Malcolm; Rufus having, in his late expedition into Normandy, obliged Edgar to abandon that country; in which Henry, the youngeſt of the Conqueror's ſons, had given him a ſettlement. Robert going to the Scottiſh camp, was aſſiſted by Edgar in mediating a peace between the two kings; which was concluded on the condition, that Malcolm ſhould pay the ſame homage to Rufus, as he had done to his father; and ſhould

A. D. 1091. Chr. Sax. Fl. Vig.

* The Saxon Chronicle ſays, that Malcolm hearing of the approach of the Engliſh army, *departed with his army from Scotland into Lothene in England*, and there remained. The annals of Waverley ſay almoſt the ſame; Lodone they have, inſtead of Lothene; and when the ſame annals mention the reſtitution, made by Malcolm IV. of Scotland, to Henry II. of England, of the northern counties, they call them *Comitatus Lodonenſis*. Florence ſays, That Malcolm, with his army, met Rufus in the province Loide. Simeon of Durham and Hoveden ſay the ſame. The Mailros Chronicle, which Fordun in l. 1. c. 24. almoſt tranſcribes, relates, That William met with Malcolm's army already waſting Northumberland, *in provincia Loidis*. Brompton, followed by Hemingford, relates, That this meeting was *in provincia Loudicenſi juxta confinia*; nor do either of theſe authors, nor Florence, nor Simeon, mention Malcolm's going out of his own kingdom into this province. According to Ordericus Vitalis, the Engliſh army advanced to *Scotwatre*, by which is probably meant the Frith of Forth; which, in the old writers of both nations, is often called *Mare Sceticum*. Perhaps the Saxon Chronicle, and Ordericus, may be reconciled, by ſuppoſing, that the writer of the former underſtood Scotwater to be the limit of the two kingdoms; and conſequently that Malcolm, by croſſing and entering Lothene, or Loide, did at the ſame time enter England. That Rufus directed his route in this expedition, towards the eaſtern march between the kingdoms, ſeems probable from his paſſing through Durham; where he reſtored William de Carilef to the poſſeſſion of that ſee; on the ſame day of the month, 11th September, on which he had been driven out of it three years before.

alſo

alſo hold the ſame lands and poſſeſſions from the crown of England, as he had held in the Conqueror's time. Theſe were twelve towns in England, and an annual penſion of twelve marks of gold.

Mal. Canemore, K. of Scotland.

Ford. l. 5. c. 24. Ann. Wav. p. 137. Chr. Sax. A. D. 1092. Sim. Dun. G. R. A. A. D. 1093. Chr. Sax. Fl. Vig. Sim. Dun.

In the year following, Rufus, making an expedition to the weſtern parts of his northern frontiers, rebuilt the city of Carliſle; which, from the time of its deſtruction by the Danes, had continued in ruins, about two hundred years. The king alſo built the caſtle of that city, and ſent a colony thither from the ſouthern parts of his dominions. Next year, while Rufus reſided at Glouceſter *, Malcolm, king of Scotland, came to his court. This viſit of Malcolm was made at the deſire, or ſummons, of Rufus; in conſequence of ſolicitations on the part of Malcolm, that Rufus would fulfil the articles of the agreement lately concluded between them. Rufus, agreeably to the wiſh of many of the Engliſh nobles, gave Malcolm hopes of obtaining ſatisfaction, upon his repairing to his court, to which he ordered him to be honourably conducted. But upon his arrival, Rufus behaved to him with great inſolence and diſdain; refuſing him acceſs to his preſence, and inſiſting that Malcolm ſhould ſubmit the matters in diſpute between them, to the judgment of the peers of England. This judgment Malcolm abſolutely declined, affirming, that ſuch controverſies were wont to be ſettled on the marches, by the principal men of both kingdoms. But theſe pretenſions being rejected by Rufus, Malcolm returned to his own kingdom in high diſpleaſure. Nor was he long in ſhewing the effects of his reſentment: for he and his ſon Edward, ſoon after, entering Northumberland with a great army, ravaged the country with fire and ſword: but having advanced as far as the caſtle of Alnwick, both he and his ſon were there ſlain, and his army almoſt wholly deſtroyed. Theſe diſaſters are aſcribed to an unexpected attack from an ambuſh laid by the ſoldiers of Robert de Moubrai, the Northumbrian earl. The perſon who ſlew the king, was Moræl †, of Bamburgh, who was intruſted either with the defence of Alnwick, or the command of thoſe forces that formed the ambuſh in its neighbourhood. According to Fordun, the bravery of Moræl was in this enterpriſe aided by treachery. For the garriſon of the caſtle of Alnwick being cut off from all hopes

Auguſt 24.

Hovedem. Hemingford.

Chr. Sax. Ann. Wav.

Nov. 13. St. Brice's day.

Ford. l. 5. c. 25.

* Malcolm, on his way to Glouceſter, came to Durham; and did there, with Carilef, the biſhop of Durham, and Turgot, the prior of the convent, lay the firſt ſtones in the foundation of the new cathedral, on Thurſday the 11th of Auguſt. Sim. Dun. Col. 218.

† In Edward's expoſition of the evidences of his right to the ſovereignty of Scotland, Malcolm, and his ſon Edward, are ſaid to have been ſlain in Northumberland, *per Morellum militem ſtrenuiſſimum*, Rym. ii. 560. The Saxon Chronicle does not mention Alnwick, or its caſtle. Florence, Malmeſbury, Simeon of Durham, and the Mailros Chronicle, are all equally ſilent concerning them. Hoveden ſays, he was ſlain by Moræl, near the Alne. Hemingford relates, that he waſted and burnt the country as far as Alnwick, and was ſlain near the Alne. Fordun's account of this event, which ſeems to be copied from Turgot, who wrote the lives of Malcolm and St. Margaret, is the only antient one that mentions the caſtle of Alnwick, or Murealden (which Goodall conjectures may be read Inveralden). Malmeſbury confirms Fordun's account, ſaying, that Malcolm was cut off rather by fraud than force.

The Editor was lately informed, by the learned and ingenious Dr. Percy, that the ſoldier, who ſlew king Malcolm Canemore, is called Hammond, in the old Chronicle of Alnwick abbey, preſerved in the Britiſh Muſeum, which alſo ſays, that he eſcaped through the river Alne, then ſwoln with rain, at a place which was long after called Hammond's Ford; probably where the bridge was afterwards built.

William Rufus, K. of England. Donald Bane, K. of Scotland.

of relief, Moræl undertook either to deliver them, or die in the attempt. Iſſuing therefore from the caſtle, and carrying the keys of it on his ſpear's point, he advanced to the Scottiſh camp; where he inquired for the king, profeſſing his intent to deliver the keys into the king's hand. Malcolm, informed of his approaching towards his tent, came haſtily forth from it, without his armour, which the traitor obſerving, pierced him through; and, by the fleetneſs of his horſe, made his eſcape into a neighbouring wood *. A confuſion ariſing in the Scottiſh army, their enemies, whether in garriſon or ambuſh, ſeized the advantage thereby offered; for making a fierce attack on the Scots, they put them wholly to the rout; and Edward, the king's eldeſt ſon, received, in this ſhock, wounds, of which he died three days after †.

Ford. l. 5. c. 26.

Margaret, the queen of Scotland, a woman greatly renowned for ſanctity and goodneſs, overwhelmed with grief on receiving the news of the death of her huſband and ſon, ſurvived them only a few days; and to complete the diſtreſs of the unhappy family, Donald, Malcolm's brother, availing himſelf of prejudices ſtill remaining in favour of the ancient law of ſucceſſion, and taking advantage of the minority of his brother's children, ſupported alſo by Magnus, king of Norway, to whom, for his aid, he is ſaid to have reſigned the Weſtern Iſlands ‡, procured himſelf to be acknowledged and crowned king. To gratify the ancient Scots, to whom he chiefly owed his exaltation, all the Engliſh and Normans, who had belonged to Malcolm's court, were expelled from Scotland; and along with them Edgar Atheling returned to England, carrying with him his nephews, the children of the late king. But Donald, after poſſeſſing the throne ſix months, was driven from it by Duncan §, a baſtard-ſon of king Malcolm; who, having been delivered by his father as an hoſtage to the Conqueror, had reſided long at the court of England, and ſerved Rufus in his

Chron. Sax. Fl. Vig. Sim. Dun.

* The author probably thought what is related by ſome hiſtorians unworthy of notice: that the ſoldier's name who ſlew king Malcolm, was Mowbray; that by piercing Malcolm through the eye, he acquired the name of Piercie; and that this ſoldier was the anceſtor of the Piercie family, who derived their name from this exploit. Fordun looks upon this ſtory as an idle fable, and it ought to be viewed in no other light; becauſe William de Percy, the anceſtor of the illuſtrious family of Percy, is mentioned in the rolls of Battle Abbey, as one of the Norman chieftains, who came over with the Conqueror in 1066; and it is certain he derived his name from the town of Percy in the Lower Normandy, where the original ſeat of the Percies was, and a branch of them ſtill remains. The Percy family, though eminent in Yorkſhire, and the ſouthern provinces, from the conqueſt, had no connexion with Northumberland till the reign of Edward II.

The information in the above note, with regard to the Percy family, was communicated to the Editor by Dr. Percy.

† At Eadward-Iſle, ſays Fordun, in the foreſt of Jedwood. Sim. Dun. i. e. Turgot ſays, that the Scottiſh army was either cut off by the edge of the ſword, or thoſe who eſcaped the ſword were ſwallowed up by the inundation of rivers, at that time greatly ſwelled by winter rains.

‡ Fordun does not mention Donald's reſigning the Weſtern Iſles.

§ Duncan, in an authentic charter, preſerved in the Durham archives, adds to his name, *conſtans hereditariæ Rex Scotiæ*; and in Edward's expoſition lately quoted, and alſo in Baliol's pleadings againſt Bruce, contained in the ſame great proceſs, Duncan is ſpoken of as the eldeſt legitimate ſon of Malcolm, and Edgar as his ſecond ſon; which is alſo agreeable to the teſtimony of the Norwegian hiſtorian Torfæus. Torfæus ſays, That Malcolm's firſt wife was Ingibiorge, widow of Torfinn, earl of Orkney, and mother, by her firſt marriage, to Paulus and Erlendus, earls of Orkney. Torf. c. 15. ap. Dalr. Hiſt. Coll. p. 163.

Rym. t. 561, 585.

wars.

wars. Duncan now requeſted the Engliſh monarch's leave and aid to ſeize his father's throne; which requeſt was readily granted, on his ſwearing that fealty to Rufus, which Donald perhaps had refuſed. Duncan haſtening into Scotland, with a great body of Engliſh and Normans, expelled his uncle from the throne, and reigned a year and ſix months. This ſhort reign was diſturbed by an inſurrection of the Scots, in which the Engliſh and Normans, whom the king retained in his ſervice, were almoſt all cut off; and Duncan, for the ſake of regaining the fealty and obedience of his ſubjects, was obliged to promiſe to introduce no more of theſe ſtrangers into his kingdom. But though he eſcaped the hazard of this inſurrection, he was ſoon deſtroyed by the inſidious arts of his uncle Donald; who again aſcended the throne, and held it three years.

Duncan II. K. of Scotland. A. D. 1094. Chron. Sax. Fl. Vig. A. D. 1095.

About the time of this laſt revolution in Scotland, Robert de Moubrai, earl of Northumberland, brought upon himſelf the vengeance of the Engliſh monarch; by aſſociating with William d'Eu, and other Norman lords, in a conſpiracy for depoſing Rufus, and advancing in his ſtead to the throne, Stephen, count of Aumale, the Conqueror's ſiſter's ſon. The king, informed of the plot, ſent a ſummons to Robert, who had abſented himſelf from the court at the feſtival of Eaſter, to attend it at his peril * at the approaching feſtival of Whitſunday: but Robert refuſed to come, unleſs the king ſent him hoſtages, and a ſafe conduct, to protect him in going and returning. Rufus, greatly enraged at this inſolence, marched northwards with his army, and took the caſtle of Tinmouth, after a ſiege of two months. Here he made priſoner the earl's brother, with the garriſon he commanded; and in another fortreſs took almoſt all the earl's chief men. But advancing to Bamburgh, where Robert reſided himſelf, as being his principal place of ſtrength, the king found it impregnable; therefore, to curb its garriſon, and cut off their proviſions, he built a fortreſs in its neighbourhood, which he called *Malvoiſin*, or the *Ill Neighbour*; in which he left a ſtrong garriſon, and returned to the ſouthern parts of his kingdom. Robert, by means of ſome ſecret correſpondence he had in the garriſon of Newcaſtle, hoped to make himſelf maſter of it. For this purpoſe he ſet out from Bamburgh in the night, accompanied with thirty horſe. But being obſerved by the garriſon of Malvoiſin, he was purſued by a part of them; and his purſuers having advertiſed the garriſon of Newcaſtle to be upon their guard, he found himſelf ſhut out from that place, and directed his flight to the Monaſtery of St. Oſwin † at Tinmouth. Here, after ſuſtaining a ſiege of ſix days, and receiving a wound in his leg, he and his followers were taken priſoners. Still his wife, and Moræl his relation and lieutenant, held out Bamburgh. But Rufus gave orders, that the captive earl ſhould be carried before that place, and that his eyes ſhould be put out, unleſs it were immediately

Chr. Sax. Fl. Vig.

* Huntington ſays, That Robert, earl of Northumberland, elated with pride, on account of his having cut off the king of Scotland, refuſed to go to Rufus's court. Huntin. p. 373.

† From this monaſtery, Robert de Moubrai, on account of his diſſenſion with William de Carilef, biſhop of Durham, expelled the monks of St. Cuthbert, and made a preſent of it to the abbot of St. Albans; for which iniquitous conduct, Turgot obſerves, that in the church of that monaſtery, Moubrai deſervedly loſt his poſſeſſions, honour, and ſafety. Sim. Dun. H. D. E. Col. 52.

ſurren-

William Rufus, K. of England.

ſurrendered. Theſe menaces had the deſired effect. The place was delivered to the king's forces, and Moræl merited his pardon, by diſcovering the accomplices of the plot; many of whom were ſeverely puniſhed. The earl himſelf was committed priſoner to the caſtle of Windſor; where he died after a confinement of thirty years.

A. D. 1098. Two years after this revolution in Northumberland, Edgar, the eldeſt ſurviving ſon of Malcolm Canemore, was, by the aid of the Engliſh king, reſtored to the poſſeſſion of his father's throne. The character of Rufus gives ſome probability to what certain of the Engliſh annaliſts relate, that Edgar was obliged to hold the Scottiſh crown in vaſſalage to the Engliſh king. But however this was, it is certain, that Edgar Atheling * accompanied his nephew into Scotland, with an army conſiſting of his own friends, and of forces received from Rufus. This foreign aid from England, concurring with the affection of the greater part of the nation to the ſon of their late highly eſteemed and beloved ſovereign Malcolm Canemore, made the reſtoration of Edgar extremely eaſy; for Robert, the ſon of Goodwin, a brave Engliſh captain, with two companions, having boldly charged and ſlain ſome of the ſtouteſt of Donald's men, who were advanced before the van of his army, all the reſt of Donald's forces betook themſelves to flight; and Edgar, without farther ſhedding of blood, was placed on the throne of his anceſtors, which he held more than nine years.

Ford. l. 5. c. 30. This revolution the monks of St. Cuthbert aſcribed to the favour of their patron; for they relate, that as Edgar was on his march towards Scotland, Cuthbert appeared to him in a viſion by night, promiſing him the protection of heaven, and directing him to receive his banner from the convent at Durham, and to carry it before his army: aſſuring him, that if he did ſo, by the aid of the ſaint, his enemies would be diſſipated, and fly before him. Edgar having related his dream to his uncle, the orders of the ſaint were obeyed in all points, and followed by the promiſed ſucceſs. Soon after, the young king, in teſtimony of his gratitude, made a preſent to the above-mentioned convent, of the place and lands of Coldingham, together with ſeveral villages in its neighbourhood †. The ancient abbey, at the laſt-mentioned place, with its church, was reſtored; a colony of monks was ſent thither from Durham: and the priory of Coldingham continued, for ſeveral ages after, to depend as a cell on that of Durham. Edgar aſſiſted in perſon at the dedication of the church of *Coldingham*, which was conſecrated to the bleſſed Virgin; and, on that occaſion, made to that church, and the monks of St. Cuthbert, a gift of ſome addi-

Ibid. c. 34. Anderſon, Dipl.

* The Saxon Chronicle ſays, that Edgar Atheling made his nephew king of Scotland, *ſub regis Wilhelmi ditione*. It alſo places this event in 1097, about the feaſt of Michaelmas.

† The Charter, together with the manſion of Coldingham, mentions the following manſions, viz. Aldcambus, Lumiſden, Regnintun (Renton), Riſton, Swinewde (Swinewood), Farndun (Farnyſide) the two Eituns (Aitons), Prenageſt (Prendregeſt), and Crameſmuthe. All theſe, with ſmall variations in the ſpelling, are the names of villages to this day ſituated in the neighbourhood, except Crameſmuthe. The author of the Index of Places, prefixed to Anderſon's Diplomata, thinks that the traces of the name of Crameſmuthe appear in Crameſton and Crameknow, the names of places near Dunſe. But it is not improbable that Crameſmuthe was adjacent to the other manſions, though neither the place nor name now exiſts.

And. Dipl.

tional lands in the Mers *. He alſo granted the ſame privileges as a ſanctuary to Coldingham, in going, returning, and abiding, as were poſſeſſed by Holy Iſland and Norham ‡; and the annual penſion of half a mark of ſilver to the monks of Coldingham, from every plough in Coldinghamſhire; to which tax the poſſeſſors of theſe lands voluntarily ſubmitted, and became engaged to the king for paying it. Edgar, King of Scotland. Anderſon's Dipl. Pl. 6, 7.

This pious and peaceable king is related to have given a farther teſtimony of his gratitude, by making a preſent to the biſhop of Durham of the town of Berwick and its appendages. Ranulph, or Ralph Flambard, who had ſucceeded William de Carilef in the biſhoprick of Durham, was a very unworthy repreſentative of the great Saint of Lindisferne: for being a principal favourite of Rufus, his chief juſticiary, and manager of his finances, he committed all kinds of rapacity and extortion, to gratify the boundleſs avarice of his maſter. This man, regardleſs of the obligation conferred on him by Edgar, ſeized the opportunity of the abſence of the latter, on a journey to Rufus's court; and, by a ſudden aſſault of the barons, and men of his province, made priſoner the captain above-mentioned, who had fought ſo bravely in the front of Edgar's army. What offended the biſhop, was this captain's building a caſtle on ſome lands which Edgar had given him near the border of the kingdoms §. Edgar, informed of this outrage, complained to Rufus; by whoſe orders Robert was releaſed, and with honour reconducted by Edgar into Scotland. This king alſo, juſtly provoked at the biſhop's ingratitude, reſumed into his own poſſeſſion the valuable preſent he had made him of Berwick.

In the ſecond year of the reign of Edgar, the life of the Engliſh king, William II. came to a ſudden end, by an accidental wound from the arrow of one of his knights, who accompanied him, while hunting in the New Foreſt. His younger brother, who was on the ſpot, took advantage of the abſence of his elder brother Robert, not yet returned from the firſt cruſade, and fruſtrated him, for the ſecond time, of his claim by primogeniture to the crown of England. And among other expedients, by which he ſought to ingratiate himſelf with his Engliſh ſubjects, he took to wife, about three months after he aſcended the throne, Maud, the eldeſt daughter of Malcolm Canemore; deſcended, by her mother Margaret, from the ancient race of Engliſh kings, and, at that time, reſiding in the monaſtery of Wincheſter. This near alliance of Edgar with the Engliſh king, the pacific temper of the former, and the direction of the ambition of the latter to the conqueſt of Normandy, from his brother, all conſpired to preſerve peace with England, during Edgar's reign; which continued nine years and three months. A. D. 1100.

* Theſe were the lands of Swinton, as they had been poſſeſſed by Liulf, together with twenty-four beaſts for tilling them anew. By two other charters, he grants to the ſame monks of St. Cuthbert, Paxton and Fiſhwick; and particularly the lands adjacent to the latter, ſituated between Hoverdene (Horndean), and Knapadene (Knapdean, ſtill ſo called). Smith's Edition of Bede, Appendix, No. 20.

‡ The peace granted to thoſe, who fled for protection to the body of St. Cuthbert, was thirty-ſeven days. Whart. Ang. Sac. vol. i. p. 699.

§ This caſtle, according to Fordun, was in Lodonia.

Henry I. K. of England. Alexander I. K. of Scotland.

A. D. 1107. Sim. Dun. p. 246.

Edgar, dying without iſſue, was ſucceeded by his brother Alexander, ſirnamed the Fierce *; who, notwithſtanding his aſpiring, bold, and impetuous ſpirit, by which he acquired the deſignation of *Fierce*, did alſo live in peace with his brother-in-law Henry I. The union of theſe princes was farther cemented by Alexander's marrying Sybilla, one of Henry's natural daughters. Henry, although he had taken his brother Robert, in the battle of Tinchebrai, and confined him to a perpetual priſon in Wales, did not, for many

1106. years after, obtain the quiet poſſeſſion of Normandy, having a tedious war to wage againſt the king of France, and ſome potent French lords, who were jealous of Henry's greatneſs, and aſſiſted William the ſon of Robert in contending for his father's dominions. Three years before the death of Alex-

1121. Sim. Dun. p. 243. Chron. Mailr. p. 164. Ford. l. 5. c. 40. ander, the caſtle of Norham began to be built by Ralph Flambard, biſhop of Durham. This prelate having been one of the moſt hated inſtruments of Rufus's tyranny, Henry, upon his acceſſion to the throne, committed him to priſon. But he ſoon made his eſcape into Normandy, where he inſinuated himſelf into high favour and confidence with duke Robert. This influence he employed to excite the duke to invade England; and accompanied him in the expedition. By the agreement which ſoon compoſed the ſtrife between the brothers, care was taken to indemnify thoſe who had aided or accompanied Robert; in conſequence of which, Ralph was reſtored to the poſſeſſion of his ſee, and held it to his death, which happened about twenty-ſeven years after. But although he was at great pains to gain the royal favour, and oppreſſed the inhabitants of his dioceſe, by exacting money to be laid out in preſents to Henry, and the chief perſons of his court; yet he could never acquire much intereſt there. Hence he was not able to prevent the diſmembering of his dioceſe, which was ſtripped of that part of it which had formerly belonged

Wharton's Ang. Sacr. p. 699. to the ſee of Hexham. What was taken from Durham, was ſhared between the dioceſes of York and Glaſgow, the latter of which, by the procurement of David, the brother of the king of Scotland, was erected at that time. But in adminiſtering of what was left to him, Ralph diſplayed the ſame authority, boldneſs, and ambition, which he had before exerted in a more exalted ſphere. One of the proofs of which, was his building the ſtrong fortreſs already mentioned, for the defence of the moſt northern and advanced parts of St. Cuthbert's territory againſt the depredations of the Scots.

Alexander king of Scotland dying without children, was ſucceeded by his

A. D. 1124. brother David. This prince is the great hero of the monks; who have endeavoured, by unbounded praiſes, to repay his unbounded liberality to their orders: but they have beſtowed their praiſes on few, who to their merits toward them have joined ſo many ſolid virtues. Soon after his aſcending the throne,

* Alexander *clericis et monachis ſatis humilis et amabilis erat, cæteris ſubditorum ſupra modum terribilis, homo magni cordis, ultra vires ſuas ſe in omnibus extendens,——omnibus advenientibus ſupra vires liberaliſſimus.* Ailr. Rieval.

Alexander confirmed to St. Cuthbert and his monks, all that they poſſeſſed in Scotland in the time of his brother Edgar. In his general grant, he makes particular mention of the lands between Horndean and Knapdean. He alſo renews, by a ſpecial charter, the donation of the lands of Swinton; and forbids the prior and monks of Durham, to anſwer in any plea, relating to theſe lands, unleſs in his preſence or by his orders. Smith's App. to Bede. No. 20.

he

David I. K. of Scotland.

he was visited by John, Cardinal of Crima, Legate of Pope Honorius, who was probably the first who entered Scotland invested with this commission; as he was the first who was allowed to exercise it freely in England. This prelate, after making a progress through England, on the business of his legation, came to the Scottish king at Roxburgh *. His chief errand in Scotland, as appears from the Pope's letter brought by him to David, was to inquire into the controversy that had been long agitated between the archbishop of York and the Scottish bishops, relating to the claim of primacy made by the archbishop over the Scottish church, and his right of ordaining the bishops of Scotland, when there was no archbishop: which claim the Scottish clergy opposed, as being unsupported either by any just title, or by ancient custom. The pope requested David to call together his bishops to meet in council with the legate, for the examination of this question; and probably such a council was held at Roxburgh, although no account remains of its acts. Only it seems to have been in consequence of these, that, in the following year, Robert, who had been elected bishop of St. Andrews in the reign of Alexander, and whose consecration had been deferred by reason of the above-mentioned controversy, did receive consecration at York from the archbishop of that see, assisted by Ralph bishop of Durham, and the bishop of the Orkneys; but he was consecrated, without making any profession of subjection or obedience to the see of York.

Sim. Dun.

Contin. Flor. Vig. p. 663.

After Michaelmas in this year, David went to the court of England, where he continued several months, and with the rest of Henry's great vassals, swore fealty to the Empress Maud, as the heir of her father to the throne of England. David seems to have been attended in his return to his own kingdom, by Thurstin archbishop of York, Ralph bishop of Durham, and Algar prior of St. Cuthbert's convent in the last mentioned city. For these were with David at Roxburgh in the month of July; and it was in compliance with the advice and request of the king, of the two prelates just named, and John bishop of Glasgow, and in the presence of them all and many others, that Robert bishop of St. Andrews did deliver, before the door of the church of St. John the Evangelist in Roxburgh, a charter of liberties to the church of Coldingham, and to all other churches and chapels that should henceforth canonically belong to the church of St. Cuthbert. By this charter, these churches were declared free from *all claims*, payments, and services †, on the part of the bishop or his successors, so as in these respects to be more free than any other churches in Lothoneium; and no bishop, archdeacon, or deacon,

A. D. 1126.

1127. Chart. in Smith's App. to Bed. p. 764.

* Simeon of Durham describes Roxburgh by its situation on the Tweed; which river, says he, divides Northumberland and Loida. This shews the extent southwards of the *Loida*, *Lodonia* or *Laodonia* of those times——*pervenit (legatus) apud fluvium Tuedam qui Northumbriam et Loidam determinat, in loco qui Rocheſburch vocatur.* The legate, after his return to England, held a council at London; in which council, having declaimed against the profanation of a priest rising from the side of an harlot *to make the body of Christ*, he himself was found, the following night, in bed with an harlot.

† *Ab omni calumnia, consuetudine et Cana et Cunwetha.* Skene de Verb. Sign. observes, that *Cana* denotes certain rates or assessments paid out of lands or other possessions; especially to churchmen. The word is still used in Scotland, in the phrase of Cane-fowls, &c.

Henry I. K. of England.

was henceforth to exact from them any cuſtoms or aids more than they freely choſe to give.

The country of the Scottiſh borders towards England having been part of the appenage of David *, during his brother Alexander's reign, the quiet which that country enjoyed †, and the cultivation which its natural advantages probably began to receive, during a long and cordial peace with England, were circumſtances that ſeem to have engaged David to make choice of Roxburgh for a place of reſidence, and to render it, by ſtrong fortifications, one of the bulwarks of his kingdom. During his brother Alexander's reign, David had brought over from Tirone in France, certain monks of a reformed order lately founded by ‡ Bernard d'Abbeville, in high reputation for ſeverity and ſanctity,

* The poſſeſſions of David during his brother Alexander's life, may be in a good meaſure learned from the grants made by the former, in his charter to the abbey he founded at Selkirk. There were lands in Selkirk itſelf, and in the adjacent places of Middleham, Bowden (Bothendean), and Halidon (Aldon), alſo his Lordſhip of Mailros; ſome land and a houſe in Sprowſton, forty ſhillings yearly out of the revenues of Roxburgh, with a houſe and the ſeventh part of a mill; and in Berwick a plow-gate of land, and a houſe below the church extending to the Tweed, the half of a fiſhing and ſeventh part of a mill, and forty ſhillings out of the yearly revenue of the town. The other article of grants in Scotland, which have relation to any particular place, is a tenth of the cane-cheeſes paid out of Galloway. From theſe grants it is evident that David's poſſeſſions, in the time of his brother Alexander, and while his own title was that of earl of Huntingdon, extended from eaſt to weſt, all along the border towards England. Sir J. Dalrymple's Coll. App. No. 1. Ethelred or Ailred, abbot of Rievalle, in his hiſtory of the battle of the Standard, repreſents Robert de Brus as telling David, that by the terror of the Normans, that is, Henry I. and his nobles, who were David's friends, he had obtained without blood from his brother Alexander, the poſſeſſion of that portion of his kingdom which king Edgar his brother, yea, to David *more than a brother*, had bequeathed to him *(moriens delegavit)*. Dec. Scr. Sir J. Dalr. Coll. p. 197. The confirmatory charter, granted to the convent of Kelſo by Malcolm IV. David's grandſon, in 1159, mentions *decimam animalium et porcorum et caſeorum de Chan de quatuor* Hadrett *de illa Galwica quam, vivente rege Alexandro, avus meus habuit, per unumquemque annum.* In the ſame charter are contained many additional donations. What this monaſtery had then in Berwick, were a plow-gate of land, (*carrucata terræ*) a houſe belonging to that plow-gate near the church of St. Laurence, and another houſe within the burgh, forty ſhillings yearly of the cuſtoms of the ſame town, half of a fiſhing called Berwick Stream, a ſeventh part of the mills, the land of Dodin in the ſame town, and the land of Waltheve the ſon of Ernobold. Malcolm alſo confirms to them the church of St. Laurence, which had been given them by Robert the ſon of William. Anderſon's Diplomata, No. 25. The original of this charter of king Malcolm, is now in the Duke of Roxburgh's archives.

† It is probable, that the wars between the neighbouring nations, during the reigns of the Conqueror and his ſon Rufus, and thoſe of Malcolm Canemore and his brother Donald, had laid waſte much of the country on the marches. It appears from the Coldingham charters, that in the reign of Edgar, Swinton and Ednam, ſituated in parts of the Mers and Roxburghſhire, remarkable for natural goodneſs of ſoil, were in a waſte and deſolate ſtate. Append. to Bede, p. 760, 763.

‡ Bernard, the founder of this order, was a diſciple of Robert d'Arbriſſel founder of the order of Fontevraud, which, by a conſtitution almoſt peculiar to itſelf, conſiſted of both monks and nuns, and had an abbeſs to govern the whole ſociety. Bernard founded the monaſtery of Tirone, from which his diſciples derived their name, in the year 1109. David is ſaid to have entertained ſo high a veneration for this holy man, that he went over to France to viſit him; but the abbot being dead before the prince arrived, David brought over with him twelve more of his monks and an abbot. The habit of theſe monks was a light gray; afterwards changed to black. Stevens Monaſt. vol. ii. p 257. Fordun ſeems to ſay, that theſe monks came to Selkirk in 1109. But Simeon of Durham ſays, they came thither in 1113, and remained there fifteen years. Fordun ſays, that Ralph, one of the monks brought over from France, was the firſt abbot of Selkirk, and that he returned

ſanctity, and ſettled them in an abbey at Selkirk; aſſigning them an ample proviſion of lands and revenues, and conferring on the abbot the dignity of his chaplain. Theſe monks, ſoon after his acceſſion to the throne, by the advice of John biſhop of Glaſgow, and his religious nobles, he removed to Roxburgh, a ſituation far more pleaſant and commodious; and on the 2d of May 1128, he founded for them a magnificent church at Kelſo, dedicated to the Virgin Mary and St. John the Evangeliſt *. He made alſo great additions to the former endowments of this monaſtery, and procured for it from the biſhop of St. Andrews, within whoſe dioceſe Kelſo *then lay*, though afterwards it belonged to the ſee of Glaſgow, an ample grant of immunity from tolls and ſervices, with leave to the abbot and monks to receive ordination, and the other ſacraments of the church, from any biſhop they pleaſed in Scotia or Cumbria †. David I. K. of Scotland.

The application given by David to the works of devotion and arts of peace, was diſturbed both by inteſtine commotions in his own kingdom, and by a war in which he became engaged with England. Two years after the foundation of Kelſo abbey, there was an inſurrection in Murray, which was quelled by the ſlaughter of Angus earl of that province and his followers. Some time after, David's arms were no leſs ſucceſsful againſt Malcolm Macheth, who falſely pretended to be the ſon of Angus; and being taken, was impriſoned in the tower of Roxburgh ‡. But theſe were little affairs, when compared to Chr. Mail. A. D. 1134. Ford. l. 7. c. 2.

returned to his own country to ſucceed Bernard firſt abbot of Tirone, who died in 1115; and that Ralph dying ſoon after, was ſucceeded at Tirone by William, who had been formerly ſucceſſor to him as abbot of Selkirk. Herbert ſucceeded William at Selkirk; and was the third abbot of Selkirk and firſt of Kelſo; the monaſtery being tranſlated to Kelſo by David in 1126, and the church founded two years after the tranſlation. So Ford. l. 5. c. 36. Perhaps David, in importing this colony of French monks, conſulted the advancement of the arts as well as of religion, among his rude ſubjects. For Bernard the founder of this order would have all ſorts of handicrafts practiſed in his monaſtery; as well to baniſh idleneſs the mother of all vices, as to procure neceſſaries for the ſupport of life. Accordingly, there were painters, carvers, joiners, ſmiths, maſons, vine-dreſſers, and huſbandmen, who were under the command of an elder; and what they earned was put into the common ſtock, for the maintenance of the religious men. Stevens; from Hiſt. des Ord. Monaſt. vol. vi. p. 115. There were five other religious houſes in Scotland of this order of Tirone; Liſmahago, Kilwinning, Aberbrothick, Fyvie, and Lindores. The three firſt and the laſt of them were planted with monks from Kelſo, and they were all very conſiderable; the fourth was a cell of Aberbrothick: Leſmahago and Kilwinning were founded in the time of David; the former by the king himſelf, the latter by Marville his conſtable; both in the year 1140. Spotſw. Relig. Houſes,

* Theſe were the protectors whom Robert d'Arbriſſel choſe for his nuns and monks, being led to make this connexion by our Saviour's dying words to his mother and the beloved diſciple, John xix. 26, 27. and, in honour of the bleſſed Virgin, ſubjected both his monks and nuns to the government of an abbeſs. Stevens, vol. ii. p. 249.

† The mention made of a biſhop or biſhops in Cumbria, in the authentic deed from which this account is taken, ſeems to favour the opinion that there was an ancient kingdom of the Britons, called Cambria or Cumbria, in the weſtern parts of Scotland. David was certainly at this time not poſſeſſed of the county of Cumberland in England, and there was no biſhop at Carliſle till five years after, A. D. 1133; ſo that the only biſhop that could be here meant was the biſhop of Glaſgow, the whole, or ſome conſiderable part of whoſe dioceſe, ſeems to have been comprehended in the Cumbria here mentioned. Innes's Crit. Eſſay, vol. i. p. 33. App. to Sir J. Dalr. Hiſt. Coll. No. 1.

‡ In the ſame year, the church of St. James at Roxburgh was dedicated 17th of April. Chr. Maſſr. On part of the ſcite of the ancient Roxburgh, a fair is ſtill held, called *St. James's Fair*.

Stephen, K. of England.

the war with England, which aroſe on the death of David's brother-in-law Henry I.

A. D. 1135. Henry having loſt (in 1120) by a miſerable ſhipwreck, his only ſon William, born to him of David's ſiſter, and having no iſſue by a ſecond wife, reſolved to ſettle the ſucceſſion to his crown on his daughter Maud, his only remaining legitimate child. She had been married to the emperor Henry V. and acquired by that marriage the title of *Empreſs:* but having born children to the

A. D. 1125. emperor, ſhe returned, after his death, to her father's court. In order to ſecure her ſucceſſion to his throne, Henry, as was above related, required and obtained an oath from all his barons; ſoon after which, he gave her in marriage to Geoffry Plantagenet, ſon of Fulk Count of Anjou. The oath juſt mentioned was renewed three years after her marriage; and again, on the

A. D. 1133. birth of her eldeſt ſon, when it was taken to the Empreſs and the heirs of her body. But, notwithſtanding theſe precautions, Stephen, count of Boulogne, nephew to the late king by his ſiſter Adela, availing himſelf of his own nearneſs to England, the abſence of Maud from it, and of the powerful intereſt which himſelf and his brother the biſhop of Wincheſter had in that kingdom, did, in breach of his repeated oaths, ſeize the vacant throne, and was crowned king of England three weeks after Henry's death. David king of Scot-

A. D. 1135. land was filled with indignation at Stephen's proceedings, and revering his oath, and being determined to ſupport the rights of his niece, did immediately, on receiving intelligence of Stephen's uſurpation, enter the parts of England neareſt to him; where having ſeized the chief places of ſtrength, he obliged the principal inhabitants to ſwear fidelity to the Empreſs as their queen,

Ric. Hag. c. 312. Chron. Mailr. and to give hoſtages for inſuring it. The places he took were Carliſle, *Wark* *, Alnwick, Norham, and Newcaſtle. Theſe, together with Bamburgh, which he was not able to reduce, were the chief fortreſſes near the northern frontier of

A. D. 1136. England. He propoſed alſo to have taken Durham; but Stephen coming thither in the beginning of February with a great army, put a ſtop to David's farther progreſs. Stephen continuing fifteen days at Durham, while David's head-quarters were at Newcaſtle, a treaty was concluded between them. By this it was agreed, that Henry, David's ſon, ſhould ſwear that fealty to Stephen which David himſelf refuſed, as being inconſiſtent with the oath he had taken to the Empreſs. David alſo agreed to reſtore the places he had ſeized in Northumberland, with the hoſtages; while Stephen yielded to Henry the city of Carliſle, and alſo Doncaſter †, with the dependencies of both, as an addition to his father's earldom of Huntingdon, the right of David to which earldom was alſo ratified. Stephen farther engaged, that if he ſhould reſolve to confer on any perſon the earldom of Northumberland, he would cauſe the claim derived

* Carrum, which the Engliſh, ſays Richard of Hexham, call Werk.

† Doncaſter is mentioned by John and Richard of Hexham: but Lord Lyttelton prefers Huntingdon's account, who only mentions Carliſle. Yet it would ſeem that the credit of thoſe abbots of Hexham is better than that of Huntingdon, for they were cotemporaries as well as he, and their accounts of David's affairs are far more particular than Huntingdon's. Lyt. i. 506.

by

by Henry from his mother*, to be heard and fairly tried before his own judges. Henry, in quality of a principal vaſſal of Stephen, attended his court at the enſuing feaſt of Eaſter; where he was entertained with much kindneſs, and placed at table on the king's right hand. But this preference gave ſo much offence to the archbiſhop of Canterbury and others of the Engliſh nobles, that they could not forbear inſulting Henry in the king's preſence; in reſentment of which behaviour, David would not ſuffer his ſon, though frequently ſummoned, to return any more to Stephen's court. David I. K. of Scotland. John Hag.

In this ſame year, David, ſtill intent on his favourite works of piety, and on civilizing and adorning that part of his dominions, where he ſeems uſually to have reſided, founded the new monaſtery of Mailros †; for which he choſe a ſituation about a mile farther up the river Tweed than that of the ancient one, which had for a long time been deſerted and deſolate. He built this new fabric with great magnificence, endowed it with ample poſſeſſions, and planted it with a colony of monks of the Ciſtertian order, which he brought from Rievalle, an abbey of theſe monks in Yorkſhire, that had been founded only four years before ‡. This order was at that time of about forty years ſtanding in France, and was raiſed to high reputation by the great talents and zeal of Bernard abbot of Clairvaux; who was David's cotemporary, and is ſaid to have founded 160 houſes of Ciſtertian monks. The habit of theſe monks was white; they honoured the bleſſed Virgin as their peculiar patroneſs, and their inſtitutes revived all the auſterities of the ancient rule of Benedict; which, being for a while ſtrictly obſerved, gained them great veneration. The firſt abbot of Mailros, after its reſtoration, was Richard, who died at A. D. 1136. Chron. Mailr. John Hag. c. 257.

* David received in marriage from Henry I. of England his brother-in-law, Maud the eldeſt daughter of the celebrated Waltheof earl of Northumberland, by Judith, the Conqueror's niece. Maud had been married before to Simon St. Liz, to whom the Conqueror had given the earldom of Northampton, having taken it from Judith, Waltheof's widow, as a puniſhment of her refuſing, at his deſire, to marry the abovementioned Simon, becauſe he was lame of one of his legs. But Simon, though rejected by the mother, obtained in marriage her eldeſt daughter; and received with her the earldom of Huntingdon, which the king had alſo taken from Judith. The earldom of Northampton deſcended to Simon's eldeſt ſon of the ſame name; but David, on marrying Maud, received with her from Henry the earldom of Huntingdon; and this earldom was now delivered by Stephen to Henry, David's ſon, who ſwore fealty for it to Stephen at York. Ingulph. fol. 15. Brompton, Dugdale's Peerage, vol. i. p. 58.

† This date is recorded in an old monkiſh rhyme.

Anno milleno centeno ter quoque deno,
Et ſexto Chriſti Melros fundata fuiſti. Ford. l. 5. c. 43.

The church of this convent having been ten years in building, was dedicated to St. Mary 28th July 1146. Chron. Mailr.

‡ Walter Eſpec, a great Engliſh Baron, had received theſe monks from St. Bernard, and placed them in a deſart called Blackoumor, on the ſide of the Rie, whence their monaſtery was called Rievaula. Joh. Hag. Ailr. Abb. Riev. c. 338. Dec. Scr. Rie is a river in the North Riding of Yorkſhire, running into the Derwent. The valley through which it runs, near its ſource, is called Riedale. The abbey of Rievalle ſtood near Helmſley, almoſt north from York. There ſtill remain fine ruins of it.

The ſhort Chronicle of ancient Scottiſh kings, publiſhed by Father Innes in his Appendix, No. 4. ſays, that David was fond of the church of Mailros more than of all his other pious erections; taking it under his particular protection, and adorning it with rich donatives. *Melroſſenſem præcipue inter omnes eccleſias et fideliter defenſabat et dulciter diligebat.* Inn. p. 794, 606.

St.

Stephen, K. of England.

St. Bernard's abbey of Clairvaux, being eſteemed by many a ſaint. His ſucceſſor was Waltheve, the ſon of David's queen, by her firſt huſband Simon St. Liz; whoſe reputation of ſanctity was ſo high, that he was canonized after his death.

The magnificent erections David was making in places ſo near the march with England, did probably render him more earneſt to make good the claim which his ſon Henry had, by his mother, to the earldom of Northumberland. There was no probability of obtaining this from Stephen in the way which this king, only with a view to amuſe, had propoſed. Wherefore, David ſeizing the opportunity of the * abſence of Stephen, who had paſſed over to Normandy in the beginning of Lent, aſſembled after Eaſter his forces, to invade Northumberland. But a great number of the Engliſh earls and barons led their men to Newcaſtle, for the defence of their country, and Thurſtin, archbiſhop of York, then very old, coming to † Roxburgh, to confer with David and his ſon Henry, perſuaded them to agree to a truce, until Stephen's return from Normandy. On the arrival of Stephen in England, in the month of December following, David ſent ambaſſadors to him, demanding the ſurrender of Northumberland to his ſon Henry, which Stephen having refuſed, war immediately enſued.

John Hag. Cont. Sim. Dun. c. 259. Ric. Hag. Geſt. Reg. Step. and Bel. Stand. c. 315.

David having reſolved to loſe no time in proſecuting the reduction of Northumberland, to which he was encouraged by the hope of an inſurrection, and the intelligence he had in that province with the friends of Maud; and availing himſelf of the winter ſeaſon, of his own vicinity to the ſcene of action, and Stephen's great diſtance from it, ſent his nephew, William, the ſon of Duncan, once king of Scots, with part of his army againſt the caſtle of Wark. This place being but a few miles diſtant from Roxburgh, William ſuddenly inveſted it, in a morning before the dawn ‡. David and his ſon ſoon followed with more numerous forces, together *with the engines* employed, in thoſe days, in ſieges; and with great vigour carried on their approaches and aſſaults for three weeks. But a defence no leſs vigorous was made by the garriſon, under the command of Jordan de Buſſis, the nephew of Walter d'Eſpec §, who was then lord of Wark. The beſiegers were in all their

A. D. 1138.

Jan. 10. Baliſtis et aliis machinis, Ric. Hag. John Hag. c. 261.

* Ordericus Vitalis relates, that in Stephen's abſence a plot was laid by the Engliſh to maſſacre all the Normans in England, and to deliver the kingdom to David king of Scotland, who was the neareſt heir of the Saxon line. But no other ancient writer mentions this plot; nor doth it appear from the ſtory told by Ordericus, that the king of Scotland was privy to this deſign. Order. Vit. l. 13. p. 912. Lyt. 1. 507.

† To the caſtle of Marchmont, viz. Roxburgh. Ford. l. 5. c. 42.

‡ Richard ſays, *antelucanis inſidiis invaſit caſtellum quod Carrum dicitur.*

§ Walter d'Eſpec had great eſtates in Yorkſhire, and was the founder of the abbey of Rievalle; to which latter circumſtance may be aſcribed the particular deſcription and encomium of Walter, given by Ethelred or Ailred, ſecond abbot of Rievalle, an elegant and ſpirited writer, in his hiſtory of the battle of the Standard. Walter d'Eſpec is there repreſented as a perſon of the firſt eminence and eſteem in the Engliſh army, and as haranguing them before the battle, from the carriage in which the famous Standard was erected. Part of Ailred's account of him is in the following words: *Vir ſenex et plenus dierum, acer ingenio, in conſiliis prudens, in bello amicitiam ſociis, fidem ſemper regibus ſervans. Erat ei ſtatura ingens, membra omnia tantæ magnitudinis, ut nec modum excederent, et tantæ proceritati congruerent. Capilli nigri, barba prolixa, frons patens et libera, oculi grandes*

David I. K. of Scotland.

their attacks bravely repelled, the king's ſtandard-bearer and many of his ſoldiers ſlain, and a much greater number of them wounded. David obliged by this reſiſtance to raiſe the ſiege, having ſent his nephew William before him, and following ſpeedily with the reſt of his army, entered Northumberland on its weſtern border; and his army *, whereof a great part was undiſciplined and barbarous, ravaged and deſolated with the fierceſt cruelty moſt of the inland parts of the province, as far as the Tyne. To oppoſe theſe invaders, Stephen, at the head of a numerous army of horſe and foot, arrived at Wark about Candlemas; and David hearing of his approach, abandoned Northumberland, in order to defend his own territories. The Scottiſh king declining to encounter Stephen in the field, hoped to prevail againſt him by drawing him into a ſnare. With this view, he retired with his army to a place not far from Roxburgh, environed by a great pool or marſh, and only acceſſible by one narrow paſſage. At the ſame time, he gave directions to the garriſon of Roxburgh to give up the place to Stephen, immediately on his appearing before it; and to gain his confidence by a ſhow of joy and affection. Hoping that Stephen would in this manner be rendered ſecure, he purpoſed to come upon him by night, and with the concurrence of the townſmen and of ſome of Stephen's own nobles, with whom David ſecretly correſponded, he made no doubt of deſtroying at once the Engliſh king and all who ſtood in his defence. Stephen having diſcovered this plot, came not to Roxburgh, but, after having burnt and ravaged ſome part of the Scottiſh territories on the eaſtern border, returned haſtily to England †. Euſtace Fitz John, a powerful baron, who held the caſtle of Bamburgh, together with thoſe of Alnwick and of Malton in Yorkſhire, and who had at this time fallen under Stephen's ſuſpicion or diſpleaſure, was compelled to deliver up to him the firſt mentioned of theſe fortreſſes.

1138. Ric. Hag. c. 326. Ailr. Bel. Stand. c. 318. Ord. Vit.

David encouraged by Stephen's retreat, and acting now in concert with the earl of Glouceſter, who had openly revolted againſt Stephen, did again enter Northumberland after Eaſter; and laid waſte that part of the province which lies towards the ſea-coaſt, and had eſcaped the ravages of the preceding winter. He committed the like depredations in the eaſtern part of the county of Durham; and was not far from that city, when a ſedition ariſing in his army about a woman, and alſo a ſudden panic, from the rumour of the approach of enemies, he returned with precipitation towards his own kingdom; but ſtopping on the frontier, he laid ſiege to the caſtle of Norham. This caſtle had a good wall, a very ſtrong tower, and abundance of proviſions; and for a while the garriſon made a gallant defence. But the ſoldiers in it being few in

Lyt. Hen. II. 1. 187. Joh. Hag. Cont. Sim. Dun. c. 261, 262. Ric Hag. c. 317, 318, 319.

grandes et perſpicaces, facies ampliſſima, tracticia tamen, vox tubæ ſimilis, facundiam quæ ſi facilis erat, quadam ſoni majeſtate componens. Dec. Scr. c. 337, 338.

* *Iſte nefandus exercitus,* ſays Ric. Hag. conſiſted *de Normannis, Germanis, Anglis, de Northymbranis et Cumbris de Teſwetadala et Lodonea, de Pictis qui vulgo Gallewecenſes dicuntur, et Scottis,* c. 316.

† Beſides Stephen's ſuſpicion of his barons, Richard of Hexham gives as reaſons of his haſty return, the refuſal of many of his own ſoldiers to wage war in the time of Lent; the Scots declining a battle; and a great ſcarcity of proviſions in the Engliſh army. Ric. Hag. c. 317.

Stephen, K. of England. 1138.

number *, unexperienced in ſieges, and without hopes of ſuccour from their biſhop; ſome of them alſo being wounded: they ſurrendered the place ſooner, as was thought, than neceſſity required, and were ſuffered to retire to Durham. David then propoſed to the biſhop †, that he ſhould abandon Stephen, and ſwear fealty to the Empreſs; offering, on theſe terms, to reſtore to him his caſtle, and repair the damages he had done him by the ſiege. But the biſhop refuſing the conditions, David cauſed his town and fortreſs to be deſtroyed.

While David beſieged Norham, he ſent part of his army on an expedition into Yorkſhire, under the command of his courageous nephew William ‡; June 9th. who, penetrating through the weſtern parts of that province, defeated an army of Engliſh at Clitherow on the borders of Weſtmoreland. During the ſiege of Norham, the garriſon of Wark ſeized ſome carriages laden with proviſions, in their way to the Scottiſh army, and carried them, together with their conductors, into the caſtle. The ſame garriſon had alſo ſallied forth on prince Henry and a party attending him; ſeveral of whom they killed, wounded, or made priſoners. David incenſed by theſe affronts, and deſirous to free himſelf from ſo offenſive a neighbourhood, renewed his ſiege of Wark, after he had demoliſhed Norham: but though he carried on his attacks with the utmoſt vigour, employing in them all his engines, his ſucceſs was no better than it had been in the preceding winter; and the loſs he ſuſtained of men, Ric. Hag. c. 319. killed and wounded, was very conſiderable. So fierce and obſtinate a reſiſtance determined him to convert the ſiege into a blockade; the care of which he committed to two of his thanes § or barons; and ſet out himſelf, in the beginning of harveſt, on a new expedition into Yorkſhire.

In this expedition, David was openly joined by Euſtace Fitz John, ** lord of Alnwick, and all his dependents. It is probable that Fitz John's hope or deſire of recovering his caſtle of Bamburgh, was the cauſe of the Scottiſh army marching firſt towards that place. But, inſtead of gaining the caſtle, they were only able to force a wall that had been lately built before it;

* Richard of Hexham ſays, there were only nine knights in the caſtle; who, after it was taken, retired to Durham, with their men (*cum ſuis*).

† The biſhop of Durham at that time was Geoffry ſirnamed *the Red*, who had been Chancellor to king Henry I. and after the ſee had been vacant five years was elected to it, and conſecrated at York by archbiſhop Thurſtin Auguſt 6, 1133. Sim. Dun. Contin. c. 62. Whart. Ang. Sac.

‡ *Willielmum filium Duncan nepotem ſuum,—ad Eboracenſem ſeyram tranſmiſit.* Theſe are the words of Ric. Hag. Lord Lyttelton, by inattention, calls once and again William, *the ſon of his* (David's) *nephew Duncan.*

§ *Duobus tegnionibus, id eſt, baronibus.* Ric. Hag.

** Richard of Hexham calls the caſtle of Alnwick *munitiſſimum caſtellum.* The abbot of Rievalle ſays, that this Euſtace was a wiſe ſtateſman, and in great favour with the late king Henry; but had abandoned Stephen, becauſe, being contrary to the manner of his country, ſeized by that prince while attending his court, he was compelled to reſtore the caſtles which Henry had committed to him; to be avenged of which injury, he had openly joined Stephen's enemies. Ethelr. Riev. p. 343. Euſtace Fitz-John had acquired the baronies and caſtles of Alnwick and Malton, by marrying Beatrix the daughter of Ivo de Veſey, who was a Norman knight that accompanied the Conqueror to England, and received from him the above named poſſeſſions, together with the daughter of William Tyſon, who had formerly held them. Dugd. Monaſt. Angl. vol. ii. p. 591.

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and which they were provoked to attack by the petulant ſpeeches of certain young men within it, of whom almoſt a hundred were killed. Having deſtroyed the corn in the neighbourhood of the caſtle, and afterwards in the other places through which they marched, they advanced into the county of Durham, and were joined there by the men of Galloway, Cumberland, and Carliſle. By theſe additions, the Scottiſh army was augmented to more than 26,000, and David, at the head of it, purſued his march into Yorkſhire: but being met near North Allerton by a much ſmaller number, conſiſting chiefly of the nobles and men of the province, animated to the defence of their country by Thurſtin their aged archbiſhop, the invading army was totally routed *, with great ſlaughter, and David compelled to retreat to Carliſle; where, on the third day after, his ſon prince Henry, narrowly eſcap-

David I. K. of Scotland.

1138.

Auguſt 22.

* This is the battle ſo much celebrated by the old Engliſh hiſtorians, under the name of *Bellum Standardi*. The maſt of a ſhip, having on its top a croſs, wherein was the conſecrated hoſt in a ſilver pix, and the banners of St. Peter, St. John of Beverly, and St. Wilfrid of Rippon, waving below it, was erected on the beam of a vaſt chariot. Around this Standard, and ſome of them upon the carriage on which it ſtood, were placed the more aged of the Engliſh Barons, and with theſe Roger de Moubrai, the infant earl of Northumberland. Roger was the ſon of Negel de Albinei, who at the battle of Tinchebrai in Normandy took duke Robert priſoner; for which and other great ſervices, king Henry rewarded him by a gift of the lands of Robert de Moubrai earl of Northumberland, which had been forfeited on account of Moubrai's rebellion againſt William Rufus, as was above related. His preſence drew around him all his vaſſals (*a*), who made no inconſiderable part of the Engliſh army. Immediately before the battle, Ralph biſhop of the Orkneys, deputed by the aged and infirm Thurſtin, having aſſured the army that by fighting bravely they would purchaſe the remiſſion of their ſins; did, on receiving from them expreſſions of contrition, actually pronounce their abſolution, joining to it his benediction. At the ſame time, the prieſts in their white veſtments, carrying croſſes and relics, went among the ranks, encouraging the ſoldiers by their exhortations and prayers. Theſe pious arts were accompanied with a wiſe arrangement of the Engliſh warriors, adapted to ſuſtain and repel the firſt fierce onſet of their enemies. The abbot of Rievalle relates, that David was hindered from making the diſpoſition he intended by the obſtinacy of the Galloway-men, who claimed it as their right to fight in the van; a ſtation which David and his beſt officers perceived they were not fit for, on account of their wanting heavy armour, ſuch as was borne by thoſe who ſtood in the firſt rank of the Engliſh army. The king, however, fearing ſedition at a time when it might have proved ſo fatal, was obliged to grant the Galwegians their requeſt. The next line was commanded by prince Henry, conſiſting, as Ailred ſays, of knights and archers, or, according to Huntingdon, of Engliſh and Norman horſemen, who belonged to his father's houſehold (*b*), and with them the men of Cumberland and Tiviotdale. In this diviſion was alſo Euſtace Fitz-John. The third line conſiſted of the Laodonians with the Iſlanders and Lavernans (*c*). The king had in his own line the Scots and *Murray-men*, and for his body-guard a band of Engliſh and French knights. Robert Brus and Bernard Baliol, both of whom, beſides the great eſtates they poſſeſſed in England, did alſo hold lands of the Scottiſh king, went to him before the battle, and endeavoured to perſuade him to retire, aſſuring him that Northumberland ſhould be delivered to his ſon Henry; but not being able to prevail, they renounced their fealty to David, and returned to fight under the Engliſh ſtandard. Ric. Hag. Ailr. Abb. Riev. c. 342.

Mon. Angl. 2. 193. 1. 128. Gemitic, 296. Dugd. Baronage.

Muranenſis.

(*a*) *Cum quo univerſa ſuæ terræ militia quæ profecto nec ſapientia, nec virtute, nec numeris cæteris videbatur inferior, cum tanta devotione convenit, ut minor ætas domini ſui nullum exercitui videretur afferre diſpendium.* Ailr. Rievalle.

(*b*) Lord Lyttelton has combined theſe two accounts. "His ſecond line, (ſays he,) commanded by the young prince of Scotland, was compoſed of the Cumbrian and Tweedale militia, ſtrengthened by Engliſh archers and cavalry of the king's houſehold, and by ſome under the conduct of the lord Euſtace Fitz-John, who alſo joined this diviſion." Lord Lyttelton's Tweedale militia ſhould have been Tiviotdale, *adjunctis ſibi Cumbrenſibus et Tevidalenſibus.* Ailr.

(*c*) Who theſe Lavernani were, Sir James Dalrymple ſays, he knows not.

Stephen, K. of England. 1138. Ric. Hag. p. 322, 323.

ing the purſuit of his enemies, did alſo arrive. The remains of David's broken army, in their flight homewards, were miſerably ſlaughtered by the Engliſh, in revenge of the horrid barbarities they had committed in their late inroads. Parties too of the different people of which that army was made up, furiouſly quarrelling wherever they met, increaſed the calamity and deſtruction: David, vexed at their behaviour, is ſaid to have puniſhed many of them ſeverely, and to have exacted from them heavy fines. He alſo bound them more ſtrictly, by oaths and hoſtages, never afterwards to deſert him in battle.

Sept. 25th. Ric. Hag. c. 324.

About a month after David's arrival at Carliſle, Alberic biſhop of Oſtia, legate *a latere* from pope Innocent II. to the kingdoms of England and Scotland, came to that city. He was received with the greateſt demonſtrations of reſpect by the king himſelf, and by the biſhops, abbots, and priors, who attended him; and remained with him three days, employed in the buſineſs of his legation. Being informed, that John biſhop of Glaſgow had ſecretly, and without leave, or any evident neceſſity, withdrawn from his ſee, and having paſſed over to France, had become a monk at Tirone; the legate ordained, that he ſhould be called home by letters from himſelf and the king, and if he refuſed to return, ſhould undergo the ſentence he deſerved for his deſertion. The legate alſo employed his moſt earneſt ſolicitations with David, to engage him to make peace with the Engliſh king; and obtained his promiſe, to ceaſe from all hoſtilities, until the enſuing Martinmas, except in carrying on the ſiege of Wark. He was alſo at pains to teach the more barbarous part of David's ſubjects, to wage war with greater humanity, and prevailed with them to bring back to Carliſle, and ſet free, before the expiration of the truce juſt mentioned, all the women they had made captives in their late inroads. He alſo obtained an engagement from the whole Scottiſh army, that in future incurſions they would abſtain from violating the churches, and would alſo ſpare women, children, and the aged.

Ric. Hag. c. 326.

The Scottiſh king not having been purſued by the conquerors, nor diſturbed in collecting and reinforcing the remains of his army, ſoon after his arrival on the border, commanded the ſiege of Wark to be reſumed. In this, new machines were employed, and trial made of various arts. But the beſieged by their machines broke thoſe of the aſſailants: they alſo ſlew and wounded many of the beſiegers, with the loſs of only one of their own knights; who having raſhly ſallied from the caſtle and perſiſted obſtinately in his efforts to deſtroy one of the enemy's machines, was overpowered and ſlain by the Scots. The king therefore, being informed of the unavailing loſs of his men, did again order a ceſſation from attacks, and, inſtead of them, a ſtrait blockade to be maintained. A few days after the departure of the legate, David was advertiſed that the garriſon of Wark was reduced to an extreme ſcarcity of proviſions. This information produced new orders from the king to carry on the blockade in the ſtricteſt manner. The garriſon had killed and ſalted their horſes for food, and when theſe were almoſt conſumed, they abated nothing of their courage in defending the place; and had reſolved, on a total failure of their proviſions, to ſally forth, and fight their way through their enemies. Walter Eſpec their lord, learning their deſperate ſituation, and unwilling

unwilling wholly to loſe ſo brave a band of men, ſent to them about Martinmas, William, abbot of Rievalle, with his poſitive commands to deliver the place to the king of Scotland. The ſame abbot negociated the terms of a capitulation with that king; who made them a preſent of twenty-four horſes, and allowed them to depart with their arms; after which he ordered the caſtle to be demoliſhed. David I. K. of Scotland. 1138.

The legate returning from Carliſle to the Engliſh court, continued his aſſiduity in mediating peace between the kings. In this work he was powerfully aided by Stephen's queen, who, animated by a warm affection to her uncle and couſin, ceaſed not from importuning her huſband *, until ſhe effected a reconciliation. The conditions of the peace were, that Stephen ſhould yield to Henry, beſides what he already poſſeſſed in England, the earldom of Northumberland, excepting the two towns of Newcaſtle and Bamburgh, which Stephen was to retain; but, as a compenſation for theſe, prince Henry was to receive poſſeſſions of equal value in the ſouth of England. It was alſo agreed and ordered by Stephen, that all the barons belonging to the earldom of Northumberland, who were willing to ſubmit to prince Henry, ſhould recognize their lands as held of him, and pay him homage, ſaving the fealty they had ſworn to the Engliſh king; which moſt of them accordingly did. The king of Scotland and his ſon engaged, during their lives, to keep peace with Stephen, and be faithful to him; and to give as hoſtages for their fidelity the ſons of five earls † of Scotland. The laws and cuſtoms which Henry I. late king of England had eſtabliſhed in Northumberland were to remain in full force. This treaty was confirmed in April, at Durham, by prince Henry, and by the barons depending on his father and himſelf, in the preſence of Maud queen of England, and ſeveral barons of the ſouthern counties, who did on this occaſion attend her. By particular exceptions made in the treaty, the power of Henry was not to extend to the lands of St. Cuthbert, nor to thoſe of St. Andrew in Hexhamſhire. Henry going ſouthward with the Engliſh queen, found Stephen at Nottingham; and obtained his ratification of every thing concluded at Durham. Stephen, during the tranſactions above related, had been employed in oppoſing various inſurrections in different parts of England; and this work ſtill continuing, he was aided, in the courſe of the ſummer by Henry ‡, who bravely hazarded his perſon and expended much money in the king's ſervice.

Ric. Hag. c. 328, 329.

Ric. Hag. c. 330.

A. D. 1139. April 10th.

The remainder of Stephen's reign was a ſeries of wars with his barons and prelates, very little interrupted; and which ſpread deſolation over the greateſt part of England. This monarch had boldneſs enough to irritate and to combat his vaſſals; but he had not ſufficient wiſdom to manage them, nor

* *Fœminei pectoris ardor vinci neſcius, quibuſcunque potuit modis nocte ac die ſtimulando non deſtitit, donec regium animum ad ſuam voluntatem detorſit.* Ric. Hag.

† Theſe earls (according to Ric. Hag.) were Colpatrick earl of March, Hugh de Morville, Fergus, Mel, and Mac.

‡ Stephen, going from Nottingham to beſiege the caſtle of Ludlow, held out againſt him by a baron called Poynel, was accompanied by Henry, who being pulled from his horſe by an hooked engine of the beſieged, and in imminent hazard of being made priſoner, was bravely reſcued by Stephen. Hoved. Henr. Hunt.

good

Stephen, K. of England. 1139. good faith and conſiſtency of conduct to acquire their confidence. Beſides other conceſſions in the beginning of his reign, which were only meant to win them to ſubmit to his uſurpation, he committed a fatal error, in allowing them to fortify their caſtles; which, in the commotions that followed, became ſo many centers of rebellion and rapine, and places of refuge for all manner of crimes. The northern provinces, ſubject to the Scottiſh king and his ſon, appear to have enjoyed quiet, during the greateſt part of thoſe troubles *. Earl Henry is not mentioned in the hiſtory of theſe wars, after the A. D. 1141. tranſactions laſt related. His father David, two years after them, when Stephen had been made priſoner, and the empreſs Maud ſeemed to be ſettled ſecure on the throne, went to the ſouth of England, to viſit her and aſſiſt her with his counſels. But ſhe indulging her pride, and contemning all moderate and gentle meaſures, was forced to fly from London, and was ſoon after beſieged by the party of Stephen in the caſtle of Wincheſter, where David was ſhut up along with her. After being reduced there to the laſt extremities, they made their eſcape by a deſperate effort; and David, with much difficulty, regained his own kingdom.

This excellent prince ſeems to have employed all the remainder of his reign Ford. l. 5. c. 49, 52, 53. in the works of piety, and in promoting the † civilization and happineſs of his

* That of the biſhopric or county of Durham was conſiderably interrupted by the attempt of William Cuming, a clerk and David's chancellor, to be elected biſhop, in room of Geoffry, who died A. D. 1140; with which view, having ſeized the caſtle of Durham (*a*), he gained to his ſide moſt of the barons of the biſhopric, and was alſo favoured and ſupported by David, as keeper of the biſhopric for his niece the Empreſs. William de Ste. Barbara, archdeacon of York, being elected at York by a part of the Durham monks, who had made their way thither; and his election being confirmed by the papal legate (king Stephen's brother biſhop of Wincheſter), after he and his friends had ſuffered from Cuming much oppoſition and perſecution, which obliged him for a while to retire to the Holy Iſland, did at laſt obtain quiet poſſeſſion of the biſhopric, and was inſtalled in the cathedral 18th of October 1144, after Cuming had held the caſtle more than four years. Whart. Ang. Sac. vol. i. 710,—717. Sim. Hiſt. Dun. Ecc. 63, 64, 65, 66.

† David is repreſented by Fordun, (copying Ailred or Baldred, as he calls him,) as cultivating and encouraging every art that tended to tame and poliſh his ſubjects. In particular, he ſpeaks of his attention to his gardens, buildings, and orchards, *(hortis, ædificiis, et pomariis,)* that he might engage his people by his example to the like purſuits. Ford. l. 5. c. 49. In c. 52. he repreſents him as employing ſome part of his time, even in the laſt year of his life, either in planting herbs or grafting ſhoots *(aut herbis plantandis, aut ſurculis a ſua radice exciſis alieno trunco inſerendis operam dabat)*. In c. 53. he mentions the improvements made by him in agriculture; ſo that a country, formerly indigent and barren, was now able, out of its abundance, to ſupply the neceſſities of its neighbours. He alſo celebrates the towns and caſtles which David had raiſed, the foreign commodities he had introduced by commerce, and the improvements thence made in the apparel and dreſs of his ſubjects; their hairy cloaks *(pallia piloſa)* changed into rich garments, their former nakedneſs covered with purple and fine linen *(purpura et byſſo)*. Laſtly, he celebrates the improvement made in their morals, by teaching them the chaſtity of marriage, of which they were almoſt wholly ignorant, and would not obſerve when they had entered into that relation, *(pudicitiam conjugalem quem ferme neſciebas* (Ailred addreſſes himſelf to *Scotia) immo initam ſervare nolebas,)* forming their clergy to a more regular life, and teaching his people, both by inſtruction and example, to frequent the church and holy rites, *(ſacrificiis intereſſe divinis,)* and to pay to prieſts the offerings and tythes that were due. The lamentation of Ailred given by Fordun, ſeems, from the uniformity of its ſtyle, to have come all from one hand. It contains all that is in Ailred's work in the Dec. Scr. except a few ſentences; but has three or four times more than what is publiſhed there.

(*a*) Fordun ſays, that Cuming entered the caſtle *per detionem imperatricis.*

people,

people, by enacting good laws, diſpenſing juſtice, and cultivating elegant and uſeful arts. Beſides the ſeminaries of monks already mentioned at Kelſo and Mailros, he either founded or reſtored a monaſtery at Jedburgh, and peopled it with Canons Regular of the order of St. Auſtin, brought over from Beauvais in France, where they had been eſtabliſhed by Ivo of Chartres, in a monaſtery dedicated to St. Quintin. He alſo erected a convent of Ciſtertian nuns in the neighbourhood of Berwick upon Tweed; on which four leſs conſiderable nunneries did afterwards depend, as cells. Theſe were the nunneries of St. Bothans and Trefontan, ſituated among the hills of Lammermuir in the Mers, a few miles north eaſt from Dunſe, and of Elbottle and Gulan in the county of Eaſt Lothian, on the ſide of the Frith of Forth. The nunneries of Trefontan and Gulan are ſaid to have been founded by David himſelf; that of St. Bothans by Euſemia counteſs of March, in the reign of William the Lyon; but the founder of the Elbottle nunnery is not known. Moved by the example of a prince ſo much loved and revered, ſeveral of the Scottiſh nobles beſtowed part of their eſtates in the like erections. In particular, the Conſtable Hugh de Moreville built the monaſtery of Dryburgh *, pleaſantly ſituated a little below Mailros, on the oppoſite ſide of the river Tweed; and filled it with monks called *Præmonſtratenſes*, an order that had been founded about thirty years before by Norbert archbiſhop of Magdeburgh. This order took its name from *Præmonſtratum*, that is, *a place marked out by heaven*; for this the name was meant to expreſs, being the place where their chief monaſtery in France was built. It was otherwiſe called the *White Order*, from the habit of the monks being entirely white. Beſides theſe, ſituated within the ſcene of our hiſtory, there were various other houſes of Religious erected either by the king or his ſubjects in different parts of Scotland †. The province alſo of earl Henry had its ſhare in this faſhionable piety; a convent of *Præmonſtratenſes* having been founded at Alnwick by Euſtace Fitz-John ‡, lord of that place, two years before the monks of the ſame order came to Dryburgh.

David I. K. of Scotland. 1141.

Sir J. Dalr. Coll. p. 267.

Ford. l. 5. c. 48.

Spotſw. Rel. Houſes. p. 281. Menol. Ciſt. per Henriquez, ap. Dugd. Mon.

Chron. Mailr.

But

* This account of the foundation of Dryburgh doth not agree with a charter of king David, publiſhed by Dugdale, under the article of *Cænobia Scotica*, at the end of the ſecond volume of his Monaſticon, and ſaid to have been copied from the original by Sir John Balfour. David ſays in this charter, that he himſelf founded the church of St. Mary at Dryburgh, and granted *fratribus canonicis ibidem Deo ſervientibus* the church of Dryburgh with its chapels, tythes, &c. The *fratres canonici* have not here the title given them of *Præmonſtrateurs*; but we find theſe two deſignations joined by Fordun, or rather Ailred of Rievalle, in ſpeaking of this ſubject of David's religious foundations; for among theſe, he recites *Canonicos Præmonſtratenſes* of Newcaſtle. They were vulgarly, ſays Stevens, called *White Canons*. The firſt abbot of Dryburgh was Roger. Ford. l. 5. c. 43.

† The other convents erected by David were thoſe of Holyrood-Houſe, Cambuſkenneth, Leſmahago, Holmcultram, Dundrennan, Newbottle, Kinloſs, and Machline for monks; and two for nuns, one of which he is ſaid to have erected at Carliſle and another at Newcaſtle. In the city laſt named, he is alſo ſaid by Fordun to have erected a convent for Præmonſtratenſes Canons, and another for Black Monks. He alſo increaſed the number of Scottiſh biſhoprics from four to nine. The biſhoprics he founded, in the beginning of his reign, were St. Andrews, Glaſgow, Murthlach (afterwards Aberdeen), and Murray, to which he added thoſe of Dunkeld, Brechin, Dumblane, Roſs, and Calthneſs. Sir J. Dalr. Coll. p. 245, &c. Ford. l. 5. c. 48.

‡ The charter of foundation included in a confirmatory charter of Henry Percy, Earl of Northumberland, is addreſſed to William, *(de Sta. Barbara)* biſhop of Durham. Among the ſouls for

Stephen, K. of England. 1141.

But David did not content himſelf with the eſtabliſhment of theſe ſocieties, which were then regarded as the chief ſeats and ſeminaries of religion and piety; and where indeed were preſerved and taught all the ſcience and learning then exiſting, profane as well as ſacred. He appears to have been equally attentive to eſtabliſh and regulate civil communities, for carrying on commerce and manufactures, by which he at once augmented his revenues and increaſed his power; the numerous and wealthy bodies of men incorporated by royal charters in cities and burghs, yielding a powerful aid to the ſovereign, both in foreign wars, and againſt the turbulence and rebellion of over-grown vaſſals, ſo common in all the feudal kingdoms. It was in the time of David, that Louis le Gros introduced theſe eſtabliſhments into France. And it is related, in ſome of the ancient copies of the old Scottiſh laws, that David framed his burgh laws, from the information of certain learned men whom he ſent to other countries, to obſerve the conſtitutions that had been there introduced. It is probable, that Berwick and Roxburgh were two of the firſt communities of this ſort in Scotland. For in an ancient manuſcript copy of the burgh-laws, which all agree in aſcribing to David as their author, the title prefixed declares them to be the laws and cuſtoms of the four burghs, viz. Berwick, Roxburgh, Edinburgh, and Stirling. And a farther evidence, that theſe were the firſt royal burghs, ariſeth from the court held by the king's chamberlain; whoſe office gave him juriſdiction over all the king's burghs. This court was called *the court of the four Burghs*, and conſiſted of delegates from the burghs abovementioned, three or four from each burgh; who, by virtue of a ſummons from the chamberlain, aſſembled once a-year at Haddington; and by this court all appeals from the courts of particular burghs were tried and finally determined.

Skene in Nom. Sign. ad fin.

Sir J. Dalr. Coll. p. 221.

Reg. Maj.

A. D. 1149.

Henry, the eldeſt ſon of the empreſs Maud, and acknowledged by the powerful party in her intereſt as heir to the Engliſh throne, having attained to the age of ſixteen years, was ſent over from France by his father Geoffry Plantagenet, to receive, according to the cuſtom of that age, the order of knighthood from his grand uncle the king of Scots. This young prince having landed in England, was guarded through the weſtern part of it by the great barons of that quarter of the kingdom, who were all ſtrongly attached to him; and came to David at Carliſle. The ceremony of *knighting* * Henry was there performed with great pomp, in the preſence of a numerous aſſembly of grandees of both nations; and Henry did at that time ſwear, that, on his aſcending the Engliſh throne, he would confirm to David and his heirs, the poſſeſſion of the territories which he and his ſon then held in England. Henry having continued eight months at David's court, improving himſelf in the arts

May 22d.

Hoved.

for whoſe benefit it was erected, is mentioned that of Ivo de Veſci. The Premontres Monks that came to Alnwick, according to the account in Dugdale, were the firſt of that order that were brought into England. And by that account, they arrived in England in 1147. But according to Stevens, form Raynerus, theſe monks came firſt into England in 1146, where their firſt monaſtery, Newhouſe in Lincolnſhire, was built by Peter de Saulia, and dedicated to St. Martialis. Stev. v. ii. 145.

* David girding him with the military belt *(apud Carliolum cingulum militare acceperat, jam militaturus in hoſtes et ſibi rebelles)*. Hemingf. l. 1. c. 75.

of war and peace, did, about the beginning of the following year, return from Scotland by ſea to Normandy. Malcolm IV. K. of Scotland.

In the third year after, the aged king and his ſubjects ſuſtained the heavy loſs of Henry earl of Northumberland, David's only ſon. This excellent prince died about Whitſunday, univerſally regretted for his great and good qualities; and was buried in the abbey church of Kelſo *. His father is ſaid to have borne the loſs with the patience of a real ſaint. He ſurvived him only a year; having, in that time, taken proper meaſures to ſecure the ſucceſſion of his crown to Malcolm, the deceaſed prince's eldeſt ſon, and that of the earldom of Northumberland to his ſecond ſon William. A. D. 1152. Joh. Hag. Ford. l. 5. c. 43.

In the latter part of Stephen's reign, a quick ſucceſſion of circumſtances and events conſpired to aggrandize his rival, prince Henry. On the return of that prince, from the court of king David to Normandy, his father Geoffry reſigned to him the dutchy of Normandy; and, by Geoffry's deceaſe in the year following, he inherited the counties of Anjou, Touraine, and Maine. In the year after, he acquired Guienne and Poictou, by marrying Eleanor, the heireſs of theſe dominions, who had been ſixteen years the wife of Louis, ſirnamed the Young, king of France; and two months after her divorce from that monarch, gave her perſon and vaſt eſtates to Henry. Theſe acquiſitions excited the jealouſy, and provoked the hoſtile attacks of the French king: but the vigour and ſucceſs wherewith Henry defended himſelf, rendered his fame equal to his good fortune. Stephen alarmed at Henry's greatneſs, ſought to deſtroy his hopes in England, by procuring a ſettlement of the ſucceſſion to his throne upon his eldeſt ſon Euſtace: but this project was diſappointed, chiefly by the oppoſition of Theobald, archbiſhop of Canterbury, and the other prelates of the Engliſh church. Theſe proceedings of Stephen, and ſome ſucceſſes he had againſt Henry's friends, determined this prince to paſs over into England, to ſupport his party, and aſſert his rights. In this enterpriſe he was ſo ſucceſsful, that Stephen found himſelf reduced to the neceſſity of declaring Henry ſucceſſor to his crown; which it was, at the ſame time, agreed that Stephen ſhould enjoy during his life. In leſs than a year after this agreement, Stephen died; and Henry, with the univerſal conſent and congratulations of his people, aſcended the Engliſh throne. 1152. A. D. 1153. A. D. 1154.

One of the firſt cares of Henry was to re-eſtabliſh the ſtrength and revenues of his crown, by deſtroying, or obliging his barons to deſtroy, almoſt all the caſtles they had built during Stephen's reign; and by reſuming the extravagant grants, which that uſurper had made out of the royal demeſnes. In the claſs of ſuch grants, he ſeems to have reckoned the counties of Northumberland and Cumberland, which Stephen had yielded to David, king of Scotland, in the manner formerly related. Nor did the oath, which Henry had given to Gul. Neubr. l. 2. c. 4.

* The Chron. Stæ. Crucis ſays, he died 2do. Id. Jun. i. e. June 12, Whart. Ang. Sac. vol. i. p. 161. The Chronicon Rhythmicum annexed to Fordun, the firſt part of which, as father Innes obſerves, was written in Alexander II. or III.'s time, relates the death and burial of prince Henry, in the following diſtich:

Qui bello moritur de Cathon; ſed ſepelitur
In Abbatia nomine Calconia.

Henry II. K. of England.

1154. Brompton, p. 1047.

David at Carliſle, reſtrain him from demanding from the Scottiſh regency, the reſtitution of theſe provinces, which were ſo conſiderable a part of the realm of England. The Scots had then, for the firſt time, a minor on the throne; whoſe feeble age had encouraged ſome of the unruly chieftains † of the North, to make inſurrections, and diſturb the public peace. The long tranquillity enjoyed in the latter part of David's reign, muſt have, in ſome degree, enervated the Scots; while the Engliſh were never more warlike, nor more united, nor had their force under a more wiſe and vigorous direction; nor had they ever a monarch ſo formidable by ſuch extenſive foreign dominions. Theſe circumſtances produced the reſtitution of Northumberland and Cumberland, without a ſtruggle; though not without general murmurs againſt thoſe who had the management of public affairs, for quietly yielding to ſo evident a neceſſity. The loſs of theſe provinces was, in part, compenſated by king Henry putting Malcolm in poſſeſſion of Huntington ‡; which, after the death of Malcolm's father, earl Henry, was given by king Stephen to Simon de St. Lez, the eldeſt ſon of Maud, Henry's mother, by her firſt huſband; and this earl Simon, who was zealouſly attached to Stephen, dying about the time that the treaty of peace and ſucceſſion was concluded between that king and prince Henry, the earldoms of Northampton and Huntingdon deſcended to his ſon, a third Simon; from whom king Henry did now take the laſt of theſe earldoms, and deliver it to the king of Scotland.

Ford. l. 8. c. 3.

Brompton, p. 975. Dugdale's Peerage, p. 59.

A. D. 1157.

Henry, in the third year of his reign, having marched into North Wales to quell certain diſturbances that had ariſen in that quarter, came to Cheſter: and in that city Malcolm the young king of Scotland, attended him, and ſwore fealty to him, as his grandfather had done to Henry I. with a ſalvo of all his dignities. It was at this time, according to Fordun and almoſt all the Engliſh annaliſts, that he yielded to Henry the northern counties §; which Fordun

Hoveden, p. 491. Chr. Mailr. Ford. l. 8. c. 3.

† Theſe were Sumerled, lord of Argyle (Regulus Ergadiæ), and his nephews, the ſons of Malcolm Macheth, whom David, in 1134, had impriſoned in the caſtle of Roxburgh. See above p. 77.

‡ *Comitatum Huntidunenſem priſco jure ſibi competentem.* Theſe are the words of Gul. Neobrig. tranſcribed by Brompton, and ſeveral of the other annaliſts. The right of Malcolm aroſe from the poſſeſſion of it by his father, and grandfather, in conſequence of the grants of Henry I. and Stephen. See above p. 79.

§ Brompton, whom Dugdale follows, Eng. Peer. v. i. p. 59, is the only ancient annaliſt who expreſsly places the reſtitution, or reſumption of the northern counties, in the firſt year of Henry's reign. Hoveden, a cotemporary writer, doth not mention this event. Nor doth William of Newburgh, another cotemporary, expreſsly aſſign any date to it; although the connexion of his narrative ſeems to indicate its happening in the firſt year of Henry's reign. This author ſays, that Henry required the reſtitution of Northumberland, Cumberland, and Weſtmoreland, as being acquired by David, in name of the rightful heirs, his mother Maud and himſelf; and that he being now advanced to the Engliſh throne, the king of Scotland could have no pretence to detain them. But from what has been above related, in p. 85, it appears, that this account of the titles, by which David held theſe counties, in which William is copied by ſeveral of the other Engliſh annaliſts, is a miſrepreſentation. Ralph de Diceto, the Annals of Waverley, Matthew Paris, and others, make particular mention of Malcolm's reſtoring the city of Carliſle, the caſtle of Bamburgh, and Newcaſtle upon Tyne; and along with theſe places, the *Comitatus Lodonenſis.* Carliſle, and the counties of Northumberland and Cumberland, which are here expreſſed by the *Comitatus Lodonenſis*, were given up to David by the treaty concluded with Stephen in 1139. But by that treaty Stephen was to retain Newcaſtle and Bamburgh. Perhaps, in the courſe of the troubles that followed in Stephen's reign, David got poſſeſſion of Newcaſtle and Bamburgh, and held them in the name of the Empreſs;

dun and the other Scottiſh writers aſcribe to the influence of faithleſs and corrupted counſellors. In the following year the kings met again at Carliſle; and there ſo much ſtrife aroſe betwixt them, probably from the murmurs of the Scots, on account of the ceſſion of the northern provinces, that Malcolm, who had hoped at this time to receive from king Henry the honour of knighthood, did return to his own kingdom, without obtaining it. Henry alſo, to ſtrengthen the frontier of Northumberland againſt the Scots, ordered the fortifications of the caſtle of Wark to be reſtored. But notwithſtanding theſe animoſities, Henry had the addreſs to engage Malcolm to accompany him, the following year*, in an expedition to France, for the recovery of Tholouſe; which he claimed as a part of the inheritance of Eleanor his queen. The perſon of the Scottiſh king was the beſt pledge that Henry could have for the good behaviour of a nation, whom he had ſo much irritated; during an expedition ſo diſtant, and in which he was accompanied by a great part of the ſtrength of his own kingdom. The honour which Henry had laſt year refuſed Malcolm at Carliſle, he now conferred upon him at Tours, in France, on his return from the Tholouſe expedition. But when Malcolm, in the enſuing year, came back to his own kingdom, he found his ſubjects greatly provoked at the attendance he had given the king of England; and this reſentment proceeded to ſuch a

Malcolm IV. K. of Scotland.

A. D. 1158.

Chr. Mail. Hoveden.

A. D. 1159.

A. D. 1160; Ford. Chr. Mailr.

preſs; for he could claim no right to them by his treaty with Stephen, provided Stephen gave an equivalent for them in the ſouthern parts of England. But it is probable that Henry, along with theſe places, reclaimed all that was yielded by Stephen; on account of the invalidity of the deeds of that uſurper; and as to his own oath at Carliſle, he might eaſily plead the excuſe of youth and inexperience; and perhaps, when ſuch a plea ſerved his intereſt, he might plead his having no right to diſmember his kingdom, without conſent of its ſtates. And though the bulk of writers place this event in the third year of Henry's reign, it ſeems more probable that he redemanded and reſumed thoſe poſſeſſions, about as early as he did the other grants that had been made by Stephen. Perhaps alſo the demands were the more readily complied with, from the aſcendant that Ada, the king's mother, Walheve, the abbot of Mailros, his uncle, and others of the Engliſh had then in the government of Scotland. The number and greatneſs of the Engliſh and Normans, or French, then in Scotland, may be inferred from the addreſs of Malcolm's charters, where the French and Engliſh are put before the Scots and Galwegians. The ſame thing is obſervable in the charters of David. Anderſon's Diplom. No. 22, 34; alſo 14, 16, 18.

* In this year, 3d Auguſt, died Walheve the 2d abbot of Mailros. He was a monk in the mother monaſtery of Rievalle, when elected abbot of Mailros in 1148. King Malcolm, from his infancy, held him in the higheſt reverence, and was formed and guided by his inſtructions. He was elected, in the laſt year of his life, to the biſhoprick of St. Andrew's, in room of biſhop Robert; but could not, by the warmeſt ſolicitations, be prevailed with to abandon his convent, foretelling he had not long to live. In the twelfth year after his burial, May 22, 1171, his grave was opened in the preſence of Ingelram, biſhop of Glaſgow, and four abbots called thither on purpoſe; and his body was found entire, and garments unſpoilt; and after the ſolemn celebration of maſs, the biſhop and abbots, before-mentioned, with all the monks of the convent, put a new ſtone of poliſhed marble over the holy duſt: all being filled with joy, and teſtifying, by their joint acclamations, that truly this was a man of God. The monk, Joceline of Furnes, wrote the life of this celebrated abbot, in which he records ſeveral miracles performed by him. One of them was his increaſing the ſtores of corn in the granaries belonging to the monaſtery in the neighbouring villages of Eldun and Gatonſide, out of which were fed 4000 poor people for three months, without any perceivable diminution of the firſt quantity; which remained the ſame, till the enſuing crop on the ground was ready, and then began to waſte. On occaſion of the fame of this ſaint were written the following verſes:

Chr. Mailr. Ford. l. 6. c. 25, 34.

Melros mellita ſic eſt non fellea vita,
Jure vocatur ita, patre potiore petita. Fordun, ib. c. 34.

Henry II. K. of England.

height, that ſix of his earls † beſieged him in Perth, but they were repelled; and by the interpoſition of the clergy, domeſtic peace was reſtored.

A. D. 1163.

It is probable, that the inteſtine commotions raiſed by Malcolm's turbulent chieftains, although in part ariſing from his calmly yielding to the ſuperior power of England, did drive him, for his own ſecurity, into cloſer connexions with his potent neighbour. For we are informed, that two years before his death he paſſed into England, and paid homage at Woodſtock to Henry, and to his eldeſt ſon of the ſame name; and that, at that time, a firm peace was concluded between the two kings. In the journey made at this time by Malcolm into England, he fell dangerouſly ill at Doncaſter, but recovered. Having lived two years after in a languiſhing ſtate, he died at Jedburgh, in the twenty-fifth year of his age, and thirteenth of his reign.

Hoved. Chr. Mailr. Mat. Paris.

A. D. 1165. 9 Dec. Thurſday.

In the year before king Malcolm died, Roger archbiſhop of York, an ambitious prelate, having obtained from pope Alexander III. the commiſſion of papal legate to the kingdom of Scotland ‡, in order to pave his way to the poſſeſſion of the primacy which he claimed over the Scottiſh church, came with great pomp to the caſtle of Norham. He thence ſent meſſengers to the Scottiſh clergy, requiring them to receive him with the honours due to the legate of the holy ſee, and threatening them with the higheſt cenſures if they ſhould preſume to oppoſe him. But, inſtead of complying with this requeſt, the Scottiſh church ſent Ingelram, the king's chancellor, and archdeacon of Glaſgow, attended by ſeveral of their own body, and a ſufficient guard of laicks, to inform the archbiſhop that they would not receive him in the character he claimed. Ingelram acquitted himſelf of his commiſſion with great ſpirit, charging Roger with having obtained his commiſſion in a clandeſtine manner, and by falſe allegations. Solomon, dean of Glaſgow, and Walter, prior of Kelſo, aſſiſted him in the diſpute; and at laſt the Scottiſh delegates appealed to the court of Rome. Roger was obliged to return with diſgrace, and Ingelram being ſoon after elevated to the biſhoprick of Glaſgow, went over to France, where pope Alexander the Third then was, and received conſecration from that pope at Sens, notwithſtanding of the oppoſition of the meſſengers ſent thither by Roger, who had the mortification to be witneſſes of the ceremony of Ingelram's conſecration.

Ford. l. 8. c. 15. Chr. Mail.

Malcolm died a bachelor; and as he emulated the monks in chaſtity, he was alſo, like his grandfather, extremely liberal to that order of men. Beſides erecting ſome new convents, he gave an ample charter to the monks § of Kelſo, confirming the great donations made to them by David, by his father Henry, and

† Ferchard, earl of Strathern, and five others. Ford. Ferteth Comes is one of the earls witneſſing the Charter of Kelſo in the preceding year. Chr. Mailr. calls him Feretua, without mentioning his earldom.

‡ Probably he obtained a legation to Scotland, as his own province. See p. 101.

§ This confirmatory charter was given at Roxburgh in 1159, and muſt have been given in the former part of the year, as this was the year of Henry king of England's Tholouſe-expedition, wherein Malcolm accompanied him. It appears from this charter, that the king reſided much at Roxburgh, as he frequently attended divine ſervice in the church of Kelſo; for he confirms to that church all the offerings made by himſelf and his attendants, whenſoever, on ſolemnities, or other days,

and himſelf, as well as many grants made to them by the barons and great men of his kingdom. In his reign likewiſe was founded at Eules *, by Coſpatrick, the earl of March, or his lady, a convent of nuns, of the Ciſtertian order.

Will. the Lion, K. of Scotland. 1165.

Malcolm was ſucceeded by his brother William, ſirnamed the Lion. This prince is ſaid to have been an implacable enemy to the Engliſh, on account of their taking from him his inheritance of the county of Northumberland; and the reſentment he ſhewed on this account, was ſo much more grateful to the people of Scotland, than the meek and pacific behaviour of Malcolm, that for ſome time in the end of Malcolm's reign, they obliged William, though reluctant, to accept the charge of guardian of the kingdom. Ever ſince the reſtitution of Northumberland to Henry, there had been no firm peace between the kingdoms. An open rupture had been prevented by ſucceſſive truces, but theſe were very ill obſerved; and the provinces, near the frontier between the kingdoms, ſuffered greatly by mutual inroads. In the Lent after William's acceſſion to the throne, the Engliſh king paſſed over to France, to quell ſome diſorders that had ariſen in his dominions there. He afterwards received

Ford. l. 8. c. 6, 12.

A. D. 1166.

days, he heard the ſervice of God in that church †. The populouſneſs of Roxburgh, and the country in the neighbourhood, may be inferred from the mention of churches in that place, now granted to the Kelſo convent, as freely as they had been held by Acceline, the archdeacon, and which churches ſeem to be different from the lately erected church of St. James. The ſame appears from the grant of twenty chalders, partly corn and partly meal *(inter farinam & frumentum)*, to be paid out of the Roxburgh mills, which probably was the eſtimate of the amount of the ſeventh part of the mills of this burgh, granted in David's charter to the abbey at Selkirk. Mention is alſo made of a new town of Roxburgh. Again, out of the mill of Ednam (Edenham), are granted yearly twelve chalders of malt. The churches granted by ſubjects, and confirmed in this charter, are Hume, with two plough-gates of land, and a meadow in the neighbourhood of the village; and the church of Fogo, with one plough-gate of land, both given by earl Coſpatrick; the church of Macchuſwell, given by Herbert of Macchuſwell; the church of Simprig, given by Hye and his ſon Peter; the church of St. Laurence of Berwick, given by Robert Fitzwilliam; the church of Malcarvaſtun (Makerſton), given by Walter Corbeth; the church of Molla, with the land adjacent, given by Uctred de Molla; the church of the village of Witha (now Weſton, in Lanerkſhire), given by Witha; the church of Cambuſnethan, given by William Phinemund; and the church of Lintonrotheric, i. e. *Lintun Rutheri vel Roderici* (Linton in Tiviotdale), given by Richard Cuming. This charter is atteſted by many witneſſes: the order of which is remarkable, and is as follows; the three biſhops of Glaſgow, Murray, and Dunkeld; William and David, the king's brothers, and Ada his mother; the abbots of Dunfermling, Jedword, Newbottle, and Sterling, Walter the chancellor, the prior of St. Andrew's, the archdeacon of St. Andrew's, the archdeacon of Laodonia (for) Herbert the chamberlain, Nicholas Clerk *(Clerico)*, Richard the chaplain. Then follow, after a note of diſtinction, the lay lords; Godred, king of the Iſles, earls Coſpatrick, Fertech, Duncan, and Gellebride, earl of Angus, Uctred, ſon of Fergus, Gilbert de Umframville, William de Sumerville, Rich. de Moreville, Ranulph de Sulas, David Olifard, Rich. Cuming, Rob. Avenel, Will. de Moreville, Will. Finemund, Walt. Corbet, Aſket. de Ridala, Henry de Perci, Liolph ſon of Maccus, Orm ſon of Hailaph; it is added, that there were many others preſent, clerks and laymen. Anderſon's Diplom.

* This foundation is placed by Hoveden, and Chr. Mailr. in 1154. They ſay, that the convent of nuns did then come thither the ſecond time; from which it would ſeem, that there had been formerly a foundation in that place of the ſame kind. The abbreviation of the Scotichronicon, annexed to Fordun, ſays, that this nunnery was founded by the counteſs of March.

† The ſame thing is made farther probable, from a grant made of half the ſkins from the king's kitchen, and of all the beaſts killed for his uſe, and half of their tallow, and all the ſkins of his rams and lambs, and the tenth of the ſkins of his deers and does. Theſe revenues from his kitchen and ſlaughtered cattle, the monks are to enjoy through all the country, which his grandfather David poſſeſſed, during the life of king Alexander.

the

Henry II. K. of England. 1166.

the homage of the people of Bretagne to his third ſon Geoffrey, whom he had contracted to the only daughter of their duke, Conan. The king of Scotland, whoſe ſiſter Margaret was married to this duke, came to the Engliſh king while in Bretagne. His principal buſineſs was to treat concerning his claim to Northumberland and Cumberland: but Henry, who was ſufficiently occupied by his ſtrife with Becket, the Pope, the French king, and his own rebellious vaſſals, was careful to give the young king of Scotland the kindeſt words, and to ſooth him with fair promiſes, of an agreeable termination of the diſputes between them, when Henry ſhould be at more leiſure to attend to them. William having ſignalized his courage in ſome military exploits performed in
13. Henry's ſervice, and having confirmed the truce between the kingdoms, returned with honour to his own country †.

Henry continued in France four years, a great part of which was conſumed in contending with the enthuſiaſtic inſolence of Becket, who was protected by the French king, and encouraged by him in all his extravagant pretenſions againſt his ſovereign. Henry had alſo wars with that monarch, in which he
A. D. 1170. Chr. Mail. Ben. Petrob. was almoſt always ſucceſsful. On his return to England, in March 1170, the Scottiſh king, and his brother David, repaired to his court at Windſor, and celebrated with him the feſtival of Eaſter. They were detained until the following June, to be preſent at the coronation of Henry's eldeſt ſon of the ſame name, who was then about ſixteen years of age. And on the day after this ſolemnity, they, together with the other vaſſals of Henry, paid homage, and ſwore fealty to both father and ſon, with a ſalvo of that due to the father. The practice of crowning the eldeſt ſons of kings, while their fathers were yet alive, had obtained in France for ſome preceding generations. And Henry, in his preſent circumſtances, ſeems to have been prompted to follow the example, by the view of ſtrengthening his family, againſt the conſequences of a papal excommunication and interdict, with which he and his kingdoms were continually threatened; and which, in thoſe days, were dreadful to the greateſt monarchs.

The king, ſoon after the coronation of his ſon, returned to France, and in the end of this year he compoſed his quarrel with Becket. But the haughty prelate returning to England, with the character of Pope's legate, and beginning immediately, in violation of his late peace with Henry, to exerciſe his legatine authority, for avenging himſelf of thoſe who had offended him during the late ſtrife, he was ſoon followed by four knights of the king's houſehold, who put him to death in his own church of Canterbury. This raſh and cruel deed was committed in conſequence of certain words uttered by the king, in the height of his reſentment againſt Becket's untamable preſumption; and it involved him in ſtill greater difficulties, than thoſe he ſeemed to have overcome by his late condeſcenſions to that prelate. It was a conſiderable time before his moſt humble ſubmiſſions to the court of Rome produced their deſired
A. D. 1171. effect; and he employed part of that interval in reducing Ireland; which the brave exploits performed a little before in that iſland by Richard Strongbow,

† This year, 1166, the earl Coſpatrick died, and was ſucceeded by his ſon Waltheve. Chr. Mail.

earl of Pembroke, and others, private adventurers, did now render a very easy work to their sovereign. Will. the Lion, K. of Scotland.

In the following year, the king passing with expedition from Ireland, through England, into Normandy, found the Pope's legates impatient for his arrival: and having agreed to the terms dictated by the holy father, did obtain absolution. But Henry's prosperity, and growing power, excited envy and malignity; and his peace with the Roman pontiff was not concluded until a new set of enemies arose, where they were least to be suspected. His crowning his son Henry, without conferring the same honour on Margaret his wife, was grievously resented by her father the French king. But the English monarch seemed to have satisfied Louis, by the apologies he made for this neglect; and to cut off all occasion of farther complaint on that head, Margaret was, soon after Henry had made his peace with the Pope's legates, sent over to England to be crowned; her husband being also crowned a second time along with her. The young king and queen, not long after, passed over to Normandy, and thence to the French court, where the wild and unbounded ambition of the giddy young prince was wickedly cherished and stimulated, to break forth to the most open excesses. Not content with the name and dignity of a king, and with revenues sufficient to support a court, he claimed the whole regal authority, and impudently alleged, that his father, by causing him to be anointed and crowned, had transferred to him all his own power. His mother, queen Eleanor, was so perverse as to encourage her son in this wickedness; and, by her procurement, his two brothers, Richard and Geoffrey, were put into his hands, and so far as their youth allowed, joined him in all his measures. A. D. 1172.

Young Henry, by his boundless profusion, had acquired many friends. Policy now combined with that habit, to engage him to make the most liberal grants, in order to bring over to his party as great numbers as possible: and, in this manner, he debauched from their duty and allegiance, a very great number of his father's vassals, both in England and in France. He drew to his party the king of Scotland, by promising to restore to him the counties of Northumberland and Cumberland; as also to add to the county of Huntington, possessed by his brother David, that of Cambridge; for all which William and his brother were to render homage and service. In consequence of this agreement, William led a great army into England*, where he began his campaign, by laying siege to the castle of Wark. But failing in his attempt, he marched into Cumberland; and was alike unsuccessful in besieging Carlisle. Thence being allowed by Hugh bishop of Durham, to pass undisturbed through his territories, he advanced into Yorkshire; and, wherever he came, his army committed the most cruel depredations. To repel this invasion, Richard de Lucy, justiciary, and Humphrey de Bohun, constable of England, led an army Northwards, and the Scottish king retiring into his own

Ben. Petr. p. 51. Ford. l. 8. c. 21.

A. D. 1173. Chr. Mailr. Ford.

R. de Diceto, Dec. Scr. c. 573.

* Ralf de Diceto describes the Scotch army as containing an infinite multitude of Galloway men, who were fleet, naked, remarkably bold; wearing on their left side small knives, formidable to any armed men, very expert in throwing and aiming their javelins at great distances, setting up for a signal, when they go to battle, a long lance.

kingdom,

*Henry II. †K. of England.

kingdom, they croſſed the Tweed, burnt Berwick, and laid waſte the adjacent country †: but being informed that the earl of Leiceſter, who was a principal man on the ſide of the young king, had landed in Suffolk with an army of Flemings; they propoſed a truce to the Scottiſh king, who knowing nothing of Leiceſter's arrival, was glad to accept of the offer. This truce was to continue until the term of St. Hilary; and by the mediation of the biſhop of Durham §, was afterwards prolonged to the end of the Eaſter holidays; for which prorogation, the Northumbrians paid the Scottiſh king three hundred marks.

A. D. 1174. Ben. Petr. p 69 Bromp. c. 1089. DeDiceto p 573 Gul. Neubr. l. 2. c. 30.

Lucy, returning with all expedition into the interior parts of England, gave a total overthrow to Leiceſter's army, and took him priſoner. The old king had alſo great ſucceſſes in France; but ſtill young Henry, with his allies and vaſſals, reſolved to riſque another campaign. Accordingly the Scottiſh king, with an army, as ſome of the Engliſh writers relate, of more than eighty thouſand men, entered Northumberland in the beginning of April. Beſides his own people, he had a conſiderable body of auxiliary horſe and foot from Flanders. As he acted in concert with the rebellious barons of England, he detached his brother to the interior parts of that kingdom to join De Malory, who commanded in the caſtle of Leiceſter. Then marching into Cumberland, he again laid ſiege to Carliſle, which was held by Robert de Vaulx. The place being bravely defended, the king left part of his army to carry on the ſiege; and employed the reſt of it in ſubduing and waſting the neighbouring lands of the Engliſh king and his barons. He took the caſtles of Liddel ‖, of Brough and Appleby in Weſtmorland; and thoſe of Warkworth, and Harbottle, in Northumberland; the latter of which belonged to Odonel de Umframville. Then he returned to Carliſle; and having continued the ſiege until the proviſions of the garriſon began to fail, the governor capitulated to ſurrender the place at the following Michaelmas, if he ſhould not in the interval receive ſuccours from the Engliſh king. William marched from Carliſle to Prudhow, on the ſouth ſide of the Tyne, a caſtle belonging to the beforementioned Odonel de Umframville. Here he met with a brave reſiſtance; which gave time to the lord of the caſtle to collect a conſiderable force under himſelf, William de Veſci, lord of Alnwick and Malton, and other northern barons; on the approach of which, William raiſed the ſiege of Prudhow, and retired towards his own country.

Gul. Neubr. l. 2. c. 33.

Ben. Petr. p. 73. Gul. Neubr. l. 2. c. 32. Hoved. p. 538.

As the Engliſh barons did not give the king a cloſe purſuit, he ſtopped at Alnwick; and having there divided his army into three parts, he beſieged or blocked up the ſtrong caſtle of the place juſt mentioned, with one of them

Hoveden. Neubr. l. 2. c. 33. Ben. Petr. p. 75.

† This country is by Hoveden called Lonas, by Diceto, Loheneis.

§ The king and biſhop met for this purpoſe, *apud Rivedalam*, according to *Benedictus*; Revedeun, according to Hoveden, who adds, that it was in the confine of the two kingdoms. Hence it was probably the place now called Redden, which, in Malcolm's confirmatory charter to the abbey of Kelſo, is called Raveden.

‖ Liddel was a caſtle anciently ſituated at the confluence of the Lid with the Eſk. (Camd. Lel. Coll.) It belonged, according to Benedict Petrob. to Nicholas de Stuteville. Thoſe of Brough and Appleby, were caſtles of the king's, kept by Robert de Stuteville. Warkworth was kept by Roger, ſon of Richard; and Harbottle by Odonel de Umframville.

which

which he himſelf commanded *. The other two, commanded by the earl Duncan, the earl of Angus, and Richard Moreville, were employed in pillaging and laying waſte all the adjacent country. It is probable, that William de Veſey's people at Alnwick, gave ſuch intelligence of the king of Scotland's unguarded ſituation, as encouraged their lord, together with his † brother-in-law Robert de Stuteville, lord of Knareſborough, Ranulph de Glanville, and Bernard Baliol, to form the project of ſurpriſing him in his quarters. For this purpoſe, having ſet out with four hundred horſe, at the dawn of day, from Newcaſtle, they marched with ſuch ſpeed, that before five they arrived in the neighbourhood of Alnwick. A thick fog had covered their march, but at the ſame time made them doubtful of their own ſituation; which raiſed in ſome of the company ſuch apprehenſions of hazard, that they prepared to return. Their advancing forward was owing to the reſolution of Bernard Baliol: and the fog happily diſſipating, they had ſoon the pleaſure of diſcovering, at a ſmall diſtance, the caſtle of Alnwick, which afforded a ſure retreat, if in danger of being overpowered by their enemies. About the ſame time they perceived the king of Scotland riding out in the open fields, accompanied with a troop of about ſixty horſemen, and free from all apprehenſion of danger ‡. He at firſt took them for ſome of his own men returning from their ravages; but the diſplay of their enſigns ſoon undeceiving him, he diſdained to turn his back, and putting himſelf at the head of his ſmall company, attacked his foes, with the moſt undaunted reſolution §: but in an inſtant he was overpowered; and his horſe being killed under him, he was taken priſoner with almoſt all his attendants. Several of his nobles, who were not preſent at the conflict, being informed of their maſter's fate, thought it honourable to ſhare it, by ruſhing, rather than falling, into the hands of their enemies. The Engliſh barons carried off their prey with all expedition; marching back that night to Newcaſtle. Thence the royal captive was carried to Richmond, and detained in the caſtle of that place, until orders were received from the king of England how to diſpoſe of him. The intelligence of this diſaſter, ſoon ſpreading through the

Will. the Lion, K. of Scotland.

1174.

Dugdale's Peerage.

July 13.

* Benedict of Peterburgh ſays, that the king remained at Alnwick with no more than his domeſtics, or guards *(cum privata familia ſua)*; and that the earl Duncan, having the command of the army, divided it into three parts; one of which he retained about himſelf, and ſent the other two to deſtroy the adjacent country with fire and ſword. He adds, that on the day the king was taken, earl Duncan, with the diviſion of the army that he kept with himſelf, entered the town of Warkworth, burnt it, and put to the ſword, without diſtinction of age or ſex, all he found within it; and that he made his ſoldiers break up the church of St. Laurence in that place, in which, and in the houſe of the parſon of the town, they ſlew more than one hundred men, beſides women and children.

† William de Veſey married the ſiſter of Robert de Stuteville. Dugd. The liſt given of the leaders of the Engliſh in this action, in Leland's Collect. (from Walt. de Coventree) is Rob. de Stuteville, Gul. de Stuteville his ſon, Will. de Veſey, Ranulph de Glanville, Ralph de Tilley, conſtable of the family of the archbiſhop of York, Bernard de Baliol, and Odonel de Umfranville.

‡ According to Bened. Petrob. they found him ſporting with his knights, *(ludentem cum militibus ſuis, tanquam ſecurum, et nihil timentem)* p. 76.

§ Gul. Neubr. elegantly deſcribes William as confiding in the multitude of his forces in the country around him, though at too great a diſtance to help him; *ſuo quippe tam vaſto, quamvis minus conglobato circumvallatus exercitu; concluſam illam paucitatem facile abſorbendam eſſe a circumfuſa multitudine nec ambigere dignabatur*, p. 214.

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ſcattered bands of the Scottiſh army, threw them into the greateſt confuſion. The fierce Highland Scots and Gallowaymen, who hated the Engliſh inhabitants of the towns and boroughs in the ſouthern and eaſtern parts of Scotland, being now free from reſtraint, indulged their animoſity, and cut off all their Engliſh fellow-ſubjects, who came in their way *; thoſe who eſcaped, flying to places of ſtrength. David earl of Huntington, as ſoon as he heard of his brother's captivity, abandoned the caſtle of Leiceſter, and his Engliſh allies, and marched with all the expedition he could into Scotland.

The circumſtances of the death of Becket, and a multitude of tales of miracles, wrought at his tomb, had exalted him, in a very ſhort time, to the dignity of a martyr and ſaint of the firſt order. The king of England having come over from France, in order to defend his kingdom, not only againſt the Scots, but an invaſion ready to be made by his ſon, in conjunction with the earl of Flanders, repaired, immediately after his landing, to Canterbury: where by his prayers and offerings, and his humiliating himſelf ſo far as to undergo the ſtripes of the monks, he fully made his peace with the ſaint. And it being on the very day he ſet out from Canterbury, after this good work, that his adverſary the king of Scots became his priſoner, this fortunate event was univerſally aſcribed by the monks and their votaries, to Becket's powerful interceſſion in the court of Heaven. On that day alſo, the fleet, which was to have invaded his kingdom, ſetting ſail from Flanders, was ſcattered by a tempeſt. The king, loſing no time to improve theſe advantages, marched againſt his rebel barons; and in leſs than a month compelled them all to ſurrender their perſons and their caſtles. While he was at Northampton, the king of Scots was brought to him, having his feet tied under the belly of the horſe that carried him. Thither alſo came Hugh de Pudſey biſhop of Durham †, who was the only one of his prelates, who, during theſe commotions, had given any cauſe to ſuſpect his loyalty. He was the nephew of the late king Stephen, and owed his biſhopric to the favour of that monarch: he had allowed the king of Scotland to paſs through his country in the preceding year without oppoſition, and had this year ſent for a body of Flemings, conſiſting of forty knights and five hundred foot under his nephew Hugh de Bar, who landed at Hartlepool on the day the king of Scots was taken priſoner at Alnwick. Upon hearing of this event the biſhop immediately ſent back the foot; but detaining his nephew with the forty knights, committed to his keeping his caſtle of North Allerton. This prelate was now glad to make his peace with the king, by paying him a great ſum of money and delivering to

Hoveden, p. 539.

* Gul. Neubf. on this occaſion obſerves, that the towns and burghs of the kingdom of Scotland are known to be inhabited by Engliſhmen, *Regni enim Scotici oppida et burgi ab Anglis habitari noſcuntur*, p. 216.

Gilbert and Uctred, the lords of Galloway (ſons of Fergus), on returning to their own country, drove out all the intendants and magiſtrates put over them by the Scottiſh king, ſlew all the Engliſh and French, who fell into their hands, took and deſtroyed the caſtles and fortreſſes, that the king of Scotland had built in their province, putting to the ſword all they found within them. Ben. Petrob. p. 77.

† Hugh (de Puteaco) treaſurer of York, was, at the age of twenty-five, elected biſhop of Durham, in 1153, Jan. 20.

him his caſtles of Durham, North Allerton, and Norham. He had improved the fortification of the laſt named of theſe caſtles, which he found in a weak ſtate, by erecting in it a ſtrong tower *.

Will. the Lion, K. of Scotland.

1174.

Wharton's Ang. Sacr. vol. i. p. 722, 723.

Henry, having thus happily finiſhed his work in England, returned with great expedition into Normandy, carrying along with him the king of Scotland, whom he impriſoned firſt at Caen, and afterwards at Falaiſe. He ſoon obliged the French king to raiſe the ſiege of Rouen; and being now every where victorious, he dictated the terms of a peace which he concluded with the monarch juſt mentioned, and with his own rebellious ſons; whom he received into favour, and treated with a clemency and generoſity of which their paſt and future conduct ſhewed them very undeſerving. In the end of the year, he alſo concluded a treaty with the king of Scots, at Falaiſe †; by which that king regained the liberty of his perſon, but as the price of it, brought himſelf and his kingdom to a ſtate of vaſſalage to the Engliſh monarch, as his ſuperior lord; in teſtimony of which, he paid homage and ſwore fealty to both the old and young king, ſaving his fidelity to the former. He engaged, that the earls and other men of his kingdom ſhould acknowledge Henry and his ſon as their liege-lords; and alſo, that the Scottiſh biſhops, abbots, and other clergy, ſhould render the ſame fealty to the Engliſh kings, that was given them by the clergy of their other dominions; alſo, that the church of Scotland ſhould henceforth yield the like ſubjection to the church of England, that was owing and accuſtomed to be rendered by it, in the times of the preceding kings of England: and it was particularly conſented to by ſome of the chief of the Scottiſh clergy ‡, who were preſent at the concluding of this treaty, that the church of England ſhould poſſeſs that right in Scotland which was juſtly due to it: and theſe clergymen aſſured the two kings upon the fealty they now profeſſed, that they, for their parts, ſhould not be againſt the right of the Engliſh church. By virtue alſo of the convention now concluded, the other biſhops and clergy of Scotland were to come under the like engagement. The kings became alſo mutually obliged not to give protection to fugitives who had committed crimes in either kingdom, and ſought refuge in the other, but to ſeize them and deliver them up as ſoon as might be to their reſpective ſovereigns, if they did not voluntarily yield themſelves to undergo juſtice in their own king's courts. But Scottiſh fugitives in England were to have their privilege of taking their trial either in England or Scotland. Moreover, the vaſſals of either king were to continue to hold the lands they poſſeſſed, or had a right to poſſeſs, in the dominions of the other. For inſuring the obſervation of this convention, the king of Scotland delivered for himſelf and his heirs, to the pleaſure § of the two Henrys and their heirs, the caſtles of Roxburgh, Berwick,

Dec. 8th. Rymer, vol. i. p. 39.

* This was probably the Donjon of this fortreſs, the greateſt part of which ſtill remains.

† This peace was concluded (according to De Diceto) with the Engliſh monarch, by the advice of the biſhops, abbots, earls, and barons of William's kingdom, who, in no ſmall numbers, came to viſit their maſter in his bonds.

‡ Theſe were Richard biſhop of St. Andrews, Richard biſhop of Dunkeld, Geoffrey abbot of Dunfermling and Herbert prior of Coldingham.

§ *Liberavit in miſericordia Domini regis.* Bened. Petrob. in the beginning of his hiſtory of

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Berwick, Jedburgh, the Maiden Caſtle, and caſtle of Sterling; for the expence of guarding which caſtles the king of Scotland was to aſſign a ſufficient ſum, to be fixed upon by the Engliſh monarch. There were alſo delivered as hoſtages for the fulfilment of theſe conditions, David the king of Scotland's brother, and * twenty beſides of the earls and barons of his kingdom. As ſoon as the caſtles ſhould be delivered to the Engliſh, the king of Scots and his brother David were to be ſet at liberty; and the earls or barons who were hoſtages, might alſo then have the ſame privilege, upon each delivering in his own room, his lawful ſon or neareſt heir. The king of Scotland, with his barons, did alſo faithfully promiſe, to oblige the Scottiſh biſhops, barons, and other vaſſals, not preſent at this convention, to pay the ſame homage and fealty to the Engliſh kings, that they themſelves had now done; and that any of the barons and vaſſals not preſent, of whom it ſhould pleaſe the Engliſh king their ſuperior lord to require hoſtages, ſhould immediately render them. Finally, the biſhops, earls, and barons agreed, that if the king of Scotland ſhould violate his fealty to the Engliſh kings, they would take part with Henry as their liege-lord againſt the king of Scotland, and all others the king's enemies; and that the biſhops ſhould interdict the territories of the king of Scotland, until he returned to the fealty of his liege-ſovereign.

Ben. Petr. p. 113, 114. Hoved. p. 545. Gul. Neubr. l. 2. c. 38. Diceto, c. 585.

In fulfilment of this treaty the Scottiſh hoſtages being delivered in Normandy, William, three days after, paſſed over into England, and remained there a priſoner at large, until the caſtles were, according to the treaty, delivered to thoſe appointed by the Engliſh king to receive them. In the beginning of the following year, the Scottiſh king and his brother David returned into their

A. D. 1175.

own country. The king of England and his ſon came over from Normandy in May, and on the 10th of Auguſt following, the king of Scotland came to them at York, accompanied by almoſt all his prelates, earls, barons, and free tenants. Every one of theſe, by order of their king, did, in the cathredal of that city, ſwear homage and pay allegiance to the older and younger Henry; William himſelf, and his brother David having ſet the example. Every thing elſe was alſo performed, that the treaty of Falaiſe required; and the written treaty itſelf was publickly read, ratified, and ſealed. There is no mention made after this tranſaction, of the king of England's having either poſſeſſed or reſtored the caſtles of Jedburgh and Stirling. By the article of the treaty which ſtipulates the ſurrender of the caſtles, Henry ſeems to give hopes of not detaining them all. And probably the exactneſs, with which the king of Scotland and his people fulfilled ſo diſagreeable a bargain, moved Henry to give a proof of his generoſity, by reſtoring two of the five caſtles that were

the late war, gives a liſt of the caſtles poſſeſſed by William king of Scotland, containing the five now ſurrendered, and the caſtles of Annan and Lochmaben, which he adds, were the caſtles of Robert de Brus. Ben. Petrob. vol. i. p. 54.

* Theſe were the earls Duncan, Waldeve (earl of March or Dunbar), earl Gillibert, and the earl of Angus, Richard de Moreville conſtable, Nes ſon of William, Richard Cumin, Walter Corbet, Walter Olifard, John de Vals, William de Lindeſey, Philip de Coleville, Philip de Valognes, Robert Frenbeit, Robert de Burneville, Hugh Giffard, Hugh Ridel, Walter de Bercherley, William de Hai (Hais), and William de Mortimer.

yielded

yielded to him. How, and at what time, the other three were recovered, will appear in the progreſs of our narrative. Will. the Lion, K. of Scotland. 1175.

In this manner did Henry clearly and ſolemnly eſtabliſh his feudal ſovereignty over the king and kingdom of Scotland: but what related to the ſubjection of the Scottiſh church to that of England, was ſtill, both by the treaty and the engagement of the Scottiſh clergy at York, left ambiguous and indefinite. All that was ſtipulated or ſworn, was the ſubjection that was due and accuſtomed in the time of the king's predeceſſors. It is probable, that Henry was cautious of giving offence to the Pope, by pretending to determine what belonged to the cognizance of the holy ſee. Perhaps alſo, what he had ſuffered from prelatical ambition, made him unwilling to enlarge the power of either of the Engliſh primates by extending it over Scotland. At the ſame time, that he might not ſeem to neglect the juſt claims of the Engliſh church, he ſummoned the Scottiſh king, together with the heads of the clergy, to attend a great council, which was held in the following ſummer at Northampton. He there required the Scottiſh clergy, agreeably to their fealty and oath, now to render or declare the ſubjection they owed; and which, in the times of his predeceſſors, was accuſtomed to be given to the church of England. But the Scots anſwered, that their predeceſſors had never paid any ſubjection to the church of England, and that they owed no ſuch ſubjection. In anſwer to this, Roger archbiſhop of York affirmed, that the prelates of Scotland, particularly thoſe of Glaſgow and Whithern, had been ſubject to the metropolitan church of York, in the times of his predeceſſors. He alſo produced * papal bulls in ſupport of his right. But this claim of York was violently oppoſed by Richard archbiſhop of Canterbury, who affirmed, that the Scottiſh church owed ſubjection to the church of Canterbury; in conſequence, no doubt, of the ancient grant of primacy, over all the Britiſh churches, made to Auſtin by Gregory the Great. This ſtrife of the Engliſh prelates being above the deciſion of the king and his council; the Scottiſh clergy were allowed to return to their own country, as free as when they left it. William and his biſhops did, on this occaſion, ſecretly apply to Pope Alexander for his protection againſt the pretenſions of the Engliſh church; and requeſted him to ſend over one of his cardinals to take cognizance of the diſpute. The Pope ſent Vivian as his legate to Scotland, Ireland, Norway, and the Iſles adjacent: but Vivian having landed in England without licence from king Henry, was obliged, before he was allowed to proceed farther, to ſwear, that he would not, in the courſe of his legation, do any thing prejudicial to Henry and his kingdom. He acted very arbitrarily, and committed great extortions in Scotland, which were probably the more eaſily borne, with the view of gaining his favour and that of his maſter in the queſtion now depending. From Whithern in Galloway, he paſſed over about Chriſtmas to Man, and thence to Ireland. In the following ſummer he returned from Ireland, by the way of England, into Scotland, and held a council of the Scottiſh

Ben. Petrob. p. 136. Hoved. p. 550. A. D. 1176.

Ben. Petr. p. 137, 144, 168, 211.

* There are ſeveral bulls of this kind in Dugdale's Monaſt. vol. iii. Sir James Dalrymple gives a diſtinct account of the diſputes on this head. Collect. p. 298, 336.

clergy

Henry II. K. of England. 1176.

clergy at Edinburgh *, in which ſome decrees were made relating to the diſcipline of the church. But the reſtraint he had been laid under by Henry hindered his giving any deciſion in favour of the liberty of the Scottiſh church. Soon after, a violent and tedious ſtrife aroſe about the ſucceſſion to the biſhopric of St. Andrews; in which the ſee of Rome ſupported John Scott, who was elected by the chapter againſt Hugh the king's chaplain, who, on the nomination of his royal maſter, had been conſecrated by ſome of the Scottiſh biſhops. On the compoſing of this ſtrife, and while Scotland ſtill remained in vaſſalage to the Engliſh king, a bull was obtained from Pope Clement III. declaring the immediate dependency of the Scottiſh church on the Roman ſee, without any intervening ſuperior; and that if any writings had been obtained from former Popes, contrary to this liberty, they ſhould be of no prejudice to the Scottiſh king or kingdom.

A. D. 1188. Hoved. p. 651.

Ben Petr. p. 203. Hoved. p. 366.

At a general council of the prelates, earls, and barons, of his kingdom, which the Engliſh king held at Windſor in the year 1177, it was reſolved to remove ſome of the preſent keepers of his caſtles, and to put them into the hands of certain knights of his court. Accordingly, the caſtle of Roxburgh, which had been in the keeping of Roger archbiſhop of York, was committed to William de Stuteville, Edinburgh caſtle to Roger de Stuteville, the caſtle of Berwick to Geffry de Neville, and the caſtle of Norham, which had been kept by Roger de Cunieres, was now intruſted to William de Neville. At this time, the biſhop of Durham, who laboured under the king's diſpleaſure for his behaviour in the late troubles, endeavoured to conciliate his favour by making him a preſent of 2000 merks. In return, the king ſuffered his caſtles to ſtand, excepting that of North Allerton, and made a grant of an eſtate to his ſon. But not long after, the king having aſſembled at Wincheſter his military tenants, among whom was the king of Scotland, in order to accompany him into Normandy, it was reſolved, with the advice of his council, that he ſhould not reſtore to the biſhop his caſtles of Durham or of Norham. But the keepers of them were made to ſwear upon the relics of ſaints, that upon the event of the king's death, they would give them up to the biſhop, on receiving orders from Richard de Luci, or the biſhop of Wincheſter, or the biſhop of Ely; and if the biſhop ſhould die, they would reſtore the caſtles to St. Cuthbert's church at Durham, that ſo the rights of that church might not be impaired. The keepers of the ſame caſtles alſo ſwore, that wherever they found robbers or other criminals in the territories of the biſhop of Durham, they would ſeize them and bring them to juſtice.

Ben. Petr. p. 227.

A moſt entire harmony appears to have ſubſiſted between England and Scotland during all that remained of Henry's reign after the peace of Falaiſe. King William with his nobles and prelates did often attend the great councils

* In this council the claim of the archbiſhop of York was, in ſome degree, condemned by the ſuſpenſion of Chriſtian biſhop of Whithern, who refuſed to come to the council of Edinburgh; under pretence that his ſee belonged to the legation of the archbiſhop of York, who was papal legate in his own province. To this province, Chriſtian pretended that his biſhopric belonged; he himſelf, and as he alleged, his predeceſſors, having received conſecration from the archbiſhop of York.

of

of England, that were ſummoned from time to time, to treat of the affairs of the kingdom. Nor doth it appear, that William did ever after conſpire in council or action with the kings of France, or Henry's fierce and incorrigible ſons, in their frequent contentions and wars with the Engliſh king; at the ſame time, Henry appears to have treated his vaſſal with lenity and generoſity. On the death of Simon de St. Lis, the third of that name, earl of Huntington, without iſſue, he reſtored the earldom to the Scottiſh king; who immediately gave it to his brother David. Henry alſo bringing over from France a near kinſwoman of his own, Ermengard, the daughter of Richard, viſcount of Beaumont-le Roger *, gave her in marriage to the Scottiſh king. The nuptials were celebrated at Woodſtock (*a*), where Henry, on that occaſion, gave the uſe of his palace to the royal pair; himſelf retiring to an houſe in the neighbourhood. He alſo, at this time, reſtored to William his caſtle of Edinburgh, on condition of its being made a part of the † jointure of the young queen.

Will. the Lion, K. of Scotland. 1185.

Ben. Petr. p. 435.

Chron. Mailr. Ford. l. 8. c. 490 Ben. Petr. p. 448, 452.

(*a*) A. D. 1186. Sept. 5.

In the ſummer of this year, Henry led a great army to Carliſle, and with the concurrence and aid of the Scottiſh king, ſettled the affairs of Galloway, obliging Roland the ſon of Uctred, to be content with the ſhare of that province which had belonged to his father. Gilbert the uncle of Roland, had cruelly murdered his own brother Uctred, and ſeized his part of Galloway, during the captivity of king William. But William, ſoon after his return to his kingdom, ſubdued Gilbert, and carried him into England; where, on ſwearing homage to Henry, and giving his ſon for an hoſtage, the part of Galloway, which he at firſt poſſeſſed, was reſtored to him. On the death of Gilbert, which happened in the year 1185, Roland ſeized his lands, and thoſe of ſome barons who had been in his intereſts, having defeated and killed their poſſeſſors, and being a great warrior, made a brave ſtand in defence of what he had acquired. But being now overwhelmed with the force of both kingdoms, he was brought to Henry at Carliſle, by the king of Scotland and his brother David, (they, together with Ranulph de Glanville and Hugh biſhop of Durham, giving him ſecurities for his ſafe return to his own country) and was obliged to conſent that the claim of Duncan to his father Gilbert's part of Galloway, ſhould be determined in the court of the king of England ‡.

Ben. Petr. p. 448, 449.

The grievous diſtreſſes of the Holy Land, and above all, the taking of Jeruſalem by the victorious Saladin, moving the pity and kindling the indignant zeal of the Weſtern princes and their ſubjects, produced a new croiſade. In order to this, Henry and Philip, the young and ambitious monarch of France, agreed to ſuſpend their quarrels; and they both received the Croſs from the hands of the archbiſhop of Tyre, who was the meſſenger of the diſmal tidings of the calamities of the Eaſt. The two kings agreed to tax their dominions,

A. D. 1188.

* Her father Richard, was the ſon of Roſcelin by Conſtance, a natural daughter of Henry I.

† The remainder of this jointure was an yearly revenue of 100 merks, and forty knights fees.

‡ According to Fordun, Roland was much in favour with the king of Scots, and by a commiſſion from him, purſued with arms Gillecolm a cruel and deſperate leader of banditti; who, after infeſting and ravaging the country of Laudonia, where he ſpoiled and murdered ſome noble barons, paſſed thence into Galwegia, and ſeized the lands lately poſſeſſed by Gilbert. Roland attacked him there, and put him to death with a great number of his followers. Ford. l. 8. c. 39, 40.

for

Henry II. K. of England.

1188. Ben. Petr. p. 514.

for defraying the expence of the intended expedition. A tenth of all revenues and moveables, called, from the particular occaſion of impoſing it, the *Saladin Tenth*, was to be levied both from the clergy and laity. Henry having ſettled this tax in a great council in his own kingdom, ſent Hugh biſhop of Durham, and ſome others of his courtiers, both clerks and laicks, to collect it in Scotland. William had lately offered to Henry 4,000 merks for the redemption of his caſtles. Henry now gave him hopes that his offer would be accepted, if William would grant him the tenths of his dominions. The king of Scotland declared his willingneſs to make this grant, if he could perſuade his vaſſals to conſent to it. And upon the arrival of the biſhop of Durham with his attendants, the king met with them at Brigham *, in an aſſembly of his biſhops, earls, barons, and a very great multitude of inferior vaſſals. The king of England's ambaſſadors having made known their maſter's demand, the Scottiſh king after conſulting the aſſembly juſt mentioned, anſwered, that he was not able to prevail with them to give the tenth; and they at the ſame time anſwered for themſelves, that they would never pay the tenth, although both the king of England and their own king had ſworn they ſhould. The Engliſh commiſſioners laboured much, both by ſoothing and threatening words, to carry their point, but all was to no purpoſe. They returned to their own country wholly fruſtrated of their errand; and ſent advice to the king, who was then in Normandy, of the anſwers they had received from the Scottiſh king and his ſubjects.

The king of England, in the midſt of his preparations for the projected croiſade, was obliged to go over to France to defend his dominions there, againſt the aſſaults of the French king; who had not only violated the late truce, but had ſeduced Richard, Henry's ſon, from his duty and allegiance to his father. A new truce procured a ſuſpenſion to theſe hoſtilities; but they broke out again in the following ſummer. Henry's health was now much impaired, many of his vaſſals baſely abandoned him; and being ſuddenly attacked by Philip and Richard, two princes eminently brave and in the full vigour of youth, he was driven to ſuch extremities, as obliged him to ſubmit to the conditions of a peace dictated by the French monarch. To complete his wretchedneſs as a parent, his youngeſt and favourite ſon John deſerted him, in the midſt of his diſtreſs, and went over to his enemies. Such an unuſual load of calamity was thought to have haſtened the death of this great prince; which happened two days after his ſigning the peace with Philip.

A. D. 1189.

Richard, having ſucceeded his father in all his dominions, immediately turned his whole attention, to prepare for an expedition to the Holy Land; to which he had engaged himſelf by taking the Croſs before his father's death. Not content with the money his father had collected for this enterpriſe, he fought to increaſe it by all the methods he could deviſe. He expoſed to

* According to Hoveden, William met the Engliſh ambaſſadors between Wark and Brigham (now Birgham) and not allowing them to enter his country to collect the tenths, he offered to give the king of England 5,000 merks, for the tenths and redemption of his caſtles, which Henry refuſed to accept. Hoved. p. 642.

ſale

ſale the great offices of his kingdom, his caſtles, towns, and demeſne lands *, without regarding the injury he did to himſelf and his ſucceſſors. One of the moſt conſiderable bargains of this kind, was that which he made with Hugh de Pudſey, biſhop of Durham, to whom he ſold the earldom of Northumberland † for his life, together with the honour of Sadberg to the biſhop himſelf and his ſucceſſors, for the ſum of 11,000 *l.* The biſhop had amaſſed this ſum to defray his own expence as a croiſader; but the Pope having granted him an abſolution from his vow, he laid out his money in the purchaſes above related. The ſame biſhop was in ſo much favour with Richard, that he was joined with William Longchamp biſhop of Ely, in the charge of juſticiary of the kingdom during the king's abſence. The latter had the charge of the ſouthern provinces; while the former was charged with thoſe on the north of the Humber. But for this dignity the biſhop paid a further ſum of 1,000 merks.

Wil. the Lion, K. of Scotland.

1189. Hoved. Bened.

Bened. p. 584.

The hiſtory of thoſe times affords many inſtances of kings and great lords making ſale of privileges and exemptions, both to individuals and communities, in order to defray the immenſe expences of their croiſades; and the increaſe of liberty thence ariſing, was one of the advantages of theſe abſurd enterpriſes, that ſerved, in ſome degree, to balance the many evils that attended them. A remarkable example of this kind is afforded in the king of Scotland; who embraced the preſent occaſion of redeeming his kingdom from the ſubjection into which it was brought to the crown of England, in conſequence of his captivity in the year 1174. The terms of this redemption being probably agreed before, William was, by order of the Engliſh monarch, met at the Tweed, by Geffrey archbiſhop elect of York, attended by the barons and ſheriff of Yorkſhire; who received him with due honour, and conducted him to their king then at Canterbury. There William performed homage to Richard for the dignities to be held by him in England, in the ſame manner as his brother Malcolm had done to the late king Henry. But in conſideration of the ſum of 10,000 merks ſterling ‡, which William did then

Hoved. p. 662, Ben. Petr. p. 576.

* Hoveden ſays, that the king expoſed to ſale all that he had, viz. *Caſtella, Villas, et Prædia.* And Will. Neubr. relates, that when his friends blamed him for proceeding in this manner, he told them, "he would ſell London if he could find a proper merchant." Hoved. p. 658. Gul. Neubr. p. 363.

† The king ſaid jocularly on this occaſion, "that he had ſhown himſelf a wonderful artiſt, in making a young earl out of an old biſhop." Gul. Neubr.

‡ Hoveden and Bened. Petrob. ſeem to ſay the ſum of 10,000 merks was at this very time paid to Richard. Gul. Neubr. ſays, that William promiſed this ſum, and returning to his kingdom with difficulty, raiſed it by the arbitrary exertion of his royal power *(imminentia regiæ poteſtatis)*. How little the power of a Scottiſh king could do in raiſing money, appears from William's incapacity to make his people pay the Saladin Tenth. And Neubrig, although a cotemporary writer, deſerves the leſs credit on this head, that he makes no mention of the relaxation granted to William of his homage. It is probable, that this relaxation would appear ſo general and intereſting a concern, that the different orders of men in Scotland would readily contribute what they could to purchaſe it. An authentic evidence remains of the houſes of the Ciſtertian order of monks, contributing liberally on this occaſion of *their own free will*; theſe houſes being accounted ſo ſacred in that age, as to have obtained an exemption from all public taxations. This evidence is a charter in which William declares, that what they had freely done on this ſingular

This meaning of *imminentia* appears from comparing its uſe in c. 5, and 14.

Richard I. K. of England. 1189.

then pay, Richard reſtored to him the caſtles of Roxburgh and Berwick, to be held as rights of inheritance by himſelf and ſucceſſors, and alſo freed him and his heirs, from all allegiance and ſubjection of the kingdom of Scotland to the crown of England; in teſtimony whereof, Richard gave William a charter, the original of which is ſtill preſerved in the Engliſh archives. This charter declares, that the pactions or conventions, by which William became bound to the Engliſh king, for any thing more than what had been rendered by his brother Malcolm, had been extorted from him by his captivity; that the charters thus obtained from William were now reſtored, and if any of them by neglect ſhould be retained, they are declared to be of no validity. The king of England agrees to perform whatever his predeceſſors did of right perform, or ought to have performed, reſpecting the king of Scotland's coming to the court of the king of England, his tarrying in it, or returning from it, alſo, with regard to all proviſions *, liberties, dignities, and honours, that ſhould be found and pronounced due to the Scottiſh king, by four Engliſh nobles nominated by the king of Scotland, and as many Scottiſh nobles nominated by the king of England. The allegiances of the king of Scotland's vaſſals that were paid to the late king Henry, are declared to be reſtored, and the king of Scotland now became Richard's liege-man, and ſwore fealty to him and his heirs for all the lands which William's predeceſſors held of the predeceſſors of Richard. Beſides the articles above related, which are the moſt material, there is one reſpecting the marches of Scotland; concerning which, Richard declares it to be his pleaſure, that if any of his vaſſals had unjuſtly uſurped any part of theſe † marches, after king William became his father's priſoner, they ſhould be completely reſtored, and put into the ſtate in which they were before his impriſonment.

Rymer, vol. i. p. 64.

Six days after the date of this charter, Richard left England; paſſing over to his dominions in France, in order to prepare, in concert with the French king, all things for their great expedition. Theſe two monarchs ſet out about the middle of the following ſummer, at the head of numerous and well provided armies. Various accidents retarding them, Philip did not arrive on the coaſt of Paleſtine, until the month of April, nor Richard, until June in the following year. As neither of theſe princes poſſeſſed much of the humility and meekneſs becoming pilgrims, a bitter ſtrife aroſe betwixt them in the iſland of Sicily, where they both ſpent the winter; and though this ſeemed to be healed by a treaty they entered into before they left that iſland, there remained an animoſity, which, afterwards breaking forth on various occaſions,

A. D. 1190.

A. D. 1191.

and extraordinary occaſion ſhould not be made a precedent for infringing their liberties, or impoſing ſuch a burden upon them in any future inſtance. App. to Anderſon's Independency of Scotland, No. 21. Id. Diplom.

* *Et in procurationibus, et in omnibus libertatibus, et dignitatibus, et honoribus, eidem jure debitis.*

Procuratio, as uſed afterwards in Hoveden, p. 738, relating a ſtrife between the king of Scotland and biſhop of Durham, plainly ſignifies proviſion, for eating and drinking, or entertainment. Hence probably the Engliſh term *Purveyance*.

† This article is general; no mention being made of any particular place. The poſſeſſion which the Engliſh had of Berwick and Roxburgh, might naturally lead them to ſuch encroachments.

was a principal mean of defeating the ſucceſs of their great enterpriſe. Richard was not leſs unfortunate in the companion of his expedition, than in the delegate he had left behind him, to adminiſter the affairs of his kingdom. Longchamp biſhop of Ely, being not only juſticiary over the principal part of the kingdom, but being alſo chancellor of England, and papal legate to England, Wales, and Ireland, diſdained to ſhare his power with any other; and therefore, when Hugh biſhop of Durham arrived from Normandy, where he had gone to attend the king; and brought with him a royal commiſſion, appointing him juſticiary over the counties to the north of the Humber; his fellow-juſticiary having decoyed him to London, committed him to priſon; nor could he regain his liberty, until he had reſigned to Longchamp, the caſtle of Windſor with its dependencies, which the king had put into his hands, and likewiſe the city of Newcaſtle, with the earldom of Northumberland and barony of Sadberg. Hugh was farther obliged to give his ſon Henry de Pudley, and Gilbert de Laya, for hoſtages. He was alſo confined as a priſoner to his manor of Hoveden; and when, on complaining of theſe injuries to the king, he obtained a mandate from him before he left Marſeilles, for the reſtitution of his earldom and Sadberg, the juſticiary would not obey; pretending, that he had a more certain knowledge of the king's will than could be conveyed to him by written orders.

Will. the Lion, K. of Scotland. 1191.

Ben. Petr. p. 587, 698. Hoved. p. 665, 667.

Theſe beginnings of Longchamp's adminiſtration were followed by a ſeries of violent and oppreſſive meaſures, which ſoon made him odious and intolerable to all. John count of Mortaigne, who, by the liberality of the king his brother, poſſeſſed many honours and eſtates in England, having convoked at Reading an aſſembly of the great men of the kingdom; the office of juſticiary, was by their authority taken from Longchamp, and committed to Walter archbiſhop of Rouen, who exerciſed it with wiſdom and moderation. Mean while Richard ſignalized himſelf in the eaſt by the braveſt exploits; the effect of which was in a great meaſure diſappointed by diſcords among the fierce adventurers, and by the great qualities of their antagoniſt Saladin. Richard's moſt dangerous enemy, Philip, ſoon left him, and returned to his own kingdom. One of Philip's principal views in ſo haſty a return, was to attack Richard's French provinces during his abſence; although he had bound himſelf by the moſt ſacred engagements to a contrary behaviour. After fighting ſixteen months in Paleſtine, and filling all the eaſt with the fame of his great exploits, the Engliſh king giving ear at laſt to the reiterated calls of his faithful ſubjects, ſet out on his return. But attempting to paſs through Germany, as being the way leaſt expoſed to danger, he fell into the hands of Leopold duke of Auſtria, whom he had affronted at the ſiege of Acre or Ptolemais, and by whom he was ſold to another of his foes, the Emperor Henry VI. The Emperor detained him a priſoner more than twelve months; while the French king improved the opportunity to invade his provinces, and diſtreſs his kingdom; in which work he was aſſiſted by Richard's worthleſs brother John. But the bulk of his ſubjects continuing faithful, a vaſt ſum was raiſed, by taxes and voluntary contributions, to be paid to the Emperor as

A. D. 1192. Oct. 9th.

Richard I. K. of England.

his ranſom; and being thus reſtored to his liberty at Mentz, he returned with all the expedition he could to England.

A. D. 1194. March 20.

His firſt care was to recover the caſtles of Nottingham and Tikhill, that were held out againſt him by the dependants of his brother John. This being eaſily accompliſhed, he held a council at Nottingham, in which John was forfeited for his treaſon and rebellion. On the laſt day of this council, the king of Scotland came to him, and accompanied him in his return to the more ſouthern parts of his kingdom. A few days after their meeting, the Scottiſh monarch, probably pleading the merit of his peaceable and friendly behaviour *, during Richard's abſence and ſufferings, demanded from him the dignities and honours, which his predeceſſors had enjoyed in England. He alſo aſked the reſtitution of the earldoms of Northumberland, Cumberland, Weſtmoreland, and Lancaſhire, claiming a right to them, derived from his anceſtors. Richard promiſed to adviſe about thoſe requeſts with his earls and barons; and, after doing ſo, told William, that he ought by no means to have aſked of him the reſtitution of Northumberland; eſpecially at the preſent critical time, when he had ſo many enemies in France: for if he ſhould now comply with William's requeſt, it would be conſtrued to proceed more from fear, than real friendſhip. However, in fulfilment of what was more expreſsly ſtipulated in the deed of releaſe from homage, granted four years ago to William and his kingdom, Richard conſented to give him a charter, confirming to himſelf and his heirs, the liberties and rights poſſeſſed by his anceſtors in their attending the court of the kings of England, and in their way to and from it. A daily penſion of money, to be paid by the ſheriffs of the counties through which they paſſed, was hereby aſſigned them, while on their journey, and during their reſidence at the Engliſh court; beſides an allowance of money, they had a portion appointed them of bread, wine, candles, and ſpices. On the limit of the two kingdoms, they were to be met by the biſhop of Durham, and the ſheriff and barons of Northumberland, who were to be their eſcort to the Tees. The archbiſhop of York, and the ſheriffs and barons of Yorkſhire, were to receive them at that river, and to conduct them through their county to the next; and thus they were ſucceſſively, by the biſhops, ſheriffs, and barons, in each county, to be conducted on their way to the king: and the like attendance was to be given them in their return. Full liberty and protection was alſo granted for conveying to the courts of the king of England, ſuch fugitives as, being charged with felony, claimed to have their trial in thoſe courts.

April 2. Hoved. p. 737, 738, 739.

Rymer, vol. I. p. 87.

Richard having, in order to efface the diſhonour of his captivity and impriſonment, appointed the ſolemnity of his coronation to be renewed at Wincheſter, the king of Scotland remained at his court; and, on that occaſion, ſuſtained the part of the higheſt of his lay-vaſſals†. In the interval William

Hoved. p. 739.

* Fordun ſays, That William ſent 2000 marks to aſſiſt in paying Richard's ranſom, Ford. l. 8. c. 55. And the Chronicle of Mailros ſays, That William ſent this ſum from Roxburgh in 1193.

† The king of Scotland, in the proceſſion, bore a ſword before Richard, being ſupported by the earl of Warren on his right, and the earl of Cheſter on his left hand; each of whom alſo bore ſwords. Hoved.

received

received ſome rude treatment from the biſhop of Durham; for which the haughty prelate underwent a ſevere chiding from the king. Two days after the coronation, the ſame biſhop, willing to prevent a demand, which he laid his account with being made, did voluntarily reſign into the king's hands, the earldom of Northumberland, with its caſtles and other appendages; all which the king commanded him to deliver to Hugh Bardolf. This preſented a new opportunity to the king of Scotland, of endeavouring to recover what he deſired ſo earneſtly: and Richard being at this time nō leſs intent on raiſing money, nor more ſcrupulous about the means, than when he was preparing for his croiſade, William thought it proper to offer him fifteen hundred † merks for the county and caſtles. Richard, by advice of his council, conſented to give him, for that ſum, the county, retaining the caſtles in his own hands. But William would have both the one and the other. In a few days after William left the Engliſh court; having, the day before he ſet out, made a new effort to obtain his demand: but Richard continued firm in his refuſal to deliver him *any caſtles*. He gave him, however, ſome hopes of granting his requeſt, after his return from Normandy; and, on theſe terms, the two monarchs parted, never again to meet; William returning to Scotland, and Richard, a few weeks after, paſſing over to Normandy.

Will. the Lion, K. of Scotland.

1194. Gul. Neubr. l. 5. c. 1.

April 22.

Aliqua Caſtella. Hoved.

May 12.

The remaining five years of Richard's life were ſpent on the continent, where his paſſion and talents for war found ſufficient employment, in repelling and revenging the attacks of the French king, and of his own rebellious vaſſals. During the greateſt part of this time, Hubert archbiſhop of Canterbury was his juſticiary in England. This prelate, on the Chriſtmas of the year 1195, did, by his maſter's order, hold a conference with the king of Scotland at York: the ſubject whereof was a new method that had been propoſed for William's obtaining the reſtitution of the northern counties. This king had lately laboured under a tedious illneſs at Clackmannan; during which he had appointed Otho ‡, ſon of Henry duke of Saxony, and ſiſter's ſon to the king of

Hoved. 757. 759. A. D. 1195.

Ford. l. 8. c. 58.

† Hoveden has fifteen thouſand, but when we attend to the ſum that William paid for the redemption of the liberty of his kingdom, and reſtitution of Berwick and Roxburgh, and alſo the offer that the biſhop of Durham made at this time for the county and caſtles, it cannot be more than one thouſand five hundred, and ſo Carte calls it.

The biſhop hoping to avail himſelf of the king's neceſſities, and reſolving to outbid the king of Scotland, ſent a meſſenger to Normandy, to offer the king two thouſand merks, for allowing him to retain the county, with its caſtles, which were thoſe of Newcaſtle and Bamburgh. And when Bardolf came to demand of him the county and caſtles, he put off the reſtitution of them until the return of his meſſenger. The meſſenger returning, brought letters to Bardolf, directing him to deliver to the biſhop the county and caſtles, upon the biſhop's giving him ſufficient ſecurity for the payment of two thouſand merks. On receiving theſe letters, Bardolf again demanded the county and caſtles; promiſing that he would obey the king's mandate, by re-delivering them, on the biſhop's making him ſecure of the payment of two thouſand merks: the biſhop replying, that it was needleſs to give them up in order to a redelivery, they being already in his hands. Bardolf notified this anſwer to the king, who, being much provoked, commanded the biſhop to be diſſeiſed of the county and caſtles, and two thouſand merks to be exacted from him as a fine. In the ſame fit of wrath he alſo ordered the reſumption of the manor of Sadberg, which he had granted to St. Cuthbert and the church of Durham, at the ſame time that he ſold the biſhop the earldom. Hoveden, p. 743.

‡ Otho was afterwards emperor of Germany, the fourth of that name.

England,

Richard I. K. of England, 1195.

England, to ſucceed him in his kingdom, on condition of Otho's taking to wife his firſt-born daughter Margaret *. But although the king obtained the conſent of the greater part of his nobles to this ſettlement, it was oppoſed by earl Patrick and many others; who alleged, that it was not the cuſtom of the kingdom of Scotland, that the crown ſhould deſcend to a female, while the king had a ſurviving brother or nephew. William, after recovering from his illneſs, came to York to treat with the king of England's delegate, about contracting the propoſed marriage. The conditions of this contract, which William had agreed with Richard, were, that William ſhould, with his daughter, give Otho all the country, then known by the name of Lothene †; that the king of England ſhould ſettle on Otho and his wife, and their heirs, Northumberland, and the county of Carliſle; and that the king of England ſhould have the keeping of all Lothian, with its caſtles; and the king of Scotland the keeping of the two Engliſh counties, with the caſtles in them. But the queen of Scotland being then with child, William, in the hopes of her bearing a ſon ‡, refuſed to fulfil the convention he had made.

Notwithſtanding the failure of this, and the reſt of William's projects, for recovering what his anceſtors had poſſeſſed in England, yet his perſonal friendſhip for Richard § preſerved an undiſturbed peace between the kingdoms. During the reign of Richard, the two nations, according to Fordun, ſeemed one people; Engliſhmen travelling at pleaſure through all the corners of Scotland; and Scotchmen, in like manner, through England; carrying with them their gold or merchandiſes in perfect ſafety. This peace, which William cultivated with England, made him more able to reduce to obedience his fierce ſubjects in the North. Rebellious commotions being excited by Harold, earl of Caithneſs, and his ſons, he led an army againſt them in two ſucceſſive years ‖; in the latter end of which he took Harold, and committed him a priſoner in

Ford. l. 8. c. 55.

A. D. 1196, 1197.

Ford. l. 8. c. 59. Chron. Mailr.

Ford. l. 8. c. 56.

* According to Fordun, Margaret was his daughter, born to him by the daughter of Adam de Hituſon, whom he does not call William's queen. All his nobles being aſſembled at Clackmannan, ſwore fealty to Margaret as his true heir, unleſs he ſhould have a ſon by his queen Ermengard. Hoveden calls Margaret his firſt-begotten daughter, without ſaying whether ſhe was legitimate, or a baſtard. But no other queen of William is mentioned by any hiſtorian, except Ermengard. The Chronicle of Mailros ſays, That William gave his daughter Margaret, whom he begot of the daughter of Adam de Hythuſum, in marriage to Euſtace de Veſey, at Roxburgh, but places this marriage in 1193; and makes no mention at all of William's ſettlement of his ſucceſſion at Clackmannan, or of the treaty for marrying her to Otho.

† Hoveden's word is *Locnais*, a corruption of *Lothene*, or *Lodoneum*. His meaning is evident, from his uſing the ſame name to expreſs the country adjacent to the caſtle of Wark, in p. 642. The contiguity alſo of the country between the Tweed and Forth to Northumberland, made the whole a convenient territory, or little dominion for Otho and his wife Margaret.

‡ But William had not this happineſs, until the year 1198, Aug. 24, when Alexander II. was born, to the great joy of the whole kingdom. Ford. l. 8. c. 59.

§ Fordun compares them to David and Jonathan. Probably there was a great ſimilarity in their characters. There certainly was, if theſe characters were juſtly expreſſed by the ſirnames their cotemporaries gave them. Richard was called the *Lion's Heart*, William the *Lion*.

‖ It is remarkable that Fordun ſays, That the king returning from his expedition into Caithneſs, *remeavit in Scotiam ſuam*; Hearne's edition has it *in Scotiam*: this ſerves to confirm Goodall's hypotheſis, that Ergadia, in its ancient ſignification, comprehended all the weſtern and ſouthern Highlands, while the country, to the eaſt of the hills, and river Spey, as far as the Firth of Forth, was properly Scotia.

the

the caſtle of Roxburgh; where he remained in cuſtody till he made his peace with the king. But though he left his ſon Torphin an hoſtage for his fidelity, he again rebelled; and thereby occaſioned ſuch cruelties to be exerciſed on Torphin †, as brought his life to a miſerable end in priſon. Will. the Lion, K. of Scotland. 1197.

The king of England was beginning, in the laſt months of his reign, to enjoy ſome reſpite from his warlike toils, in conſequence of a truce of five years, concluded with the king of France, by the mediation of a legate from the Pope. But a prince of ſo fierce a ſpirit could not, in that age of war, long want an opportunity of fighting. An hidden treaſure being diſcovered in the territories of the count de Limoges, one of his vaſſals, Richard claimed it as lord paramount; but the count, inſtead of delivering it up, endeavoured to ſecure it in the caſtle of Chalus, near Limoges; Richard immediately laid ſiege to the caſtle, and when he too raſhly, and not ſufficiently armed, approached it, in order to obſerve the fitteſt place for making an aſſault he, received a wound in his ſhoulder by an arrow from a croſs-bow, of which he died a few days after. A. D. 1199. April 26.

Richard, dying without legitimate offspring, was ſucceeded by his brother John, who pretended to have been appointed by Richard the heir of all his dominions. The rule that afterwards univerſally obtained, of the iſſue of an elder brother repreſenting him, and being on that account preferred to a younger brother of their father, was not, in that age, univerſally, or firmly eſtabliſhed; although it is certain, that, agreeably to that rule, Richard, on ſetting out on his expedition to the Holy Land, had declared Arthur duke of Bretagne, the ſon of his brother Geffrey, his heir. This prince was about twelve years old when his uncle Richard died; and ſome of the French provinces immediately acknowledged him as their ſovereign. But far the greateſt part readily ſubmitted to John; and while he was employed in taking poſſeſſion of the dukedom of Normandy, and ſettling his other affairs in France, Hubert, archbiſhop of Canterbury, with William Marſhal, and Geffrey Fitz-Piers, the chief juſticiary, men of great influence in the nation, and wholly devoted to John, had the charge of preſerving peace, and ſecuring his intereſts in England. For this purpoſe they gave the ſtrongeſt aſſurances to the chief barons, of John's reſolution to maintain their rights, and accompanied theſe aſſurances with ſuch liberal grants of lands, and lucrative offices, that they all gave John their oath of fealty, on condition of his making good his engagements. Fealty was alſo ſworn by the inferior military tenants, and by corporations depending on the crown. Hoved. p. 793.

The king of Scotland, being ſoon informed of John's aſpiring to the Engliſh crown, neglected not to ſeize the opportunity of his lame title, though oppoſed to that of his grand-nephew Arthur, in order to recover the counties of Northumberland and Cumberland. He therefore diſpatched, without delay, meſſengers to require, in his name, the reſtitution of theſe counties as his patrimony; offering, on that condition, to ſwear fealty, and render homage and ſervice to John againſt all men. But John's agents, not allowing theſe meſ-

† Torphin was deprived of his eyes and genitals.

ſengers

John, K. of England. 1199.

ſengers to paſs over into Normandy, engaged David, earl of Huntington, to go to his brother, the king of Scots, and perſuade him to have patience until the duke of Normandy's arrival in England. Nor did John himſelf neglect an object of ſo much importance to him, as the preſerving of quiet on the ſide of Scotland; for while he was yet in Normandy, he gave a commiſſion to William's ſon-in-law, Euſtace de Veſey, to aſſure the Scottiſh king, that if he kept peace with him, he would, on his return from Normandy, give him content in all his demands.

Hoved. p. 793, 794.

The conſecration and anointing, which monarchs received at their coronation, was, in thoſe days, eſteemed of ſo much moment to eſtabliſh their title to the kingdom, that John made all the haſte he could to paſs over into England, in order to be thus inveſted with the regal dignity. The king of Scotland was not preſent at this ſolemnity; but Roger, biſhop of St. Andrew's, who was probably one of the meſſengers whom William had diſpatched towards John, while yet in Normandy, attended it. This biſhop, accompanied with Richard de Malebiſe, was ſent by John, immediately after his coronation, to ſummon the Scottiſh king to come to him at Nottingham; and, in the expectation of William's compliance, * Philip biſhop of Durham, was ordered to receive him, in the uſual manner, on the frontier of the two kingdoms. But William, intent on making good his claims, before he rendered the expected homage, ſent other three meſſengers † to John, to make the demands already mentioned, accompanied with aſſurances of faithful ſervice, if theſe demands were granted; but, in caſe of a refuſal, to declare their maſter's purpoſe to exert his utmoſt power to recover his rights. John was, probably, on his way to Nottingham, when theſe meſſengers came to him; and upon delivering their meſſage, he anſwered them, in the mildeſt manner, that, on meeting with his deareſt couſin, their maſter, he would do him right, with regard to that, and all his other demands. With a view to this meeting he proceeded to Nottingham, and ſpent ſome time there, and in the neighbourhood, expecting the arrival of the Scottiſh king. But William, inſtead of coming himſelf, ſent back the biſhop of St. Andrew's and Malebiſe, to notify, that he inſiſted on his former demands; for anſwering which, he granted the king of England a truce of forty days, and in the mean time aſſembled a great army. But John had a more formidable enemy on the continent, to which he returned as ſoon as he could; intruſting his frontier provinces, towards Scotland, with their caſtles, to the keeping of William de Stuteville. The biſhop of St. Andrew's, and Richard de Malebiſe, followed John, as he haſtened toward the ſea; and perhaps carried back to the king of Scotland ſome new promiſes, that ſeemed to ſooth him, and to hinder him from proceeding to extremities ‡.

May 27.

John,

* Hugh de Pudſey, biſhop of Durham, died in 1195, and was ſucceeded by Philip of Poictou (*Pictavienſis*).

† Theſe were, William, Prior of May; Walter, Prior of Inchcolm, and William de Hay.

‡ Hoveden ſays, That William, purpoſing to lead an army into England, came to Dunfermling to pay his devotions at the ſhrine of St. Margaret; where, ſpending the night, he was warned in a dream, to forbear his intended expedition, upon which he diſmiſſed his army. Hoved. p. 797.

John, after his return to Normandy, was employed, during the remainder of the year, in negociating, and ſometimes in fighting, with the French king, who reſented John's taking poſſeſſion of Normandy, without making any acknowledgment of him as his ſuperior. Philip had alſo aſſumed the protection of the young duke of Bretagne; and it was chiefly with the view of depriving that prince, his much dreaded rival, of ſo powerful a guardian, that John, in the beginning of the enſuing year, agreed to the terms of a peace, highly advantageous to Philip. He had obliged himſelf, by this treaty, to pay Philip a great ſum of money; in order to raiſe which, he came over to England ſoon after the treaty was concluded. On this occaſion he renewed his ſummons to the king of Scotland, to attend him at York; and, in the time of Lent, went to that city to receive him; but the Scottiſh king again diſappointed him, and John, ſoon after, returned to Normandy.

Will. the Lion, K. of Scotland.

1199.

A. D. 1200.

Hoved. p. 798.

During this viſit to his French dominions, John ſettled all things with Philip agreeably to their late treaty. Going afterwards into Guienne, to reduce to order ſome of his mutinous barons, he fell in love with Iſabel of Engouleſme; and having obtained a divorce from his former wife, Aviſe of Glouceſter, married Iſabel, notwithſtanding of her being affianced to Hugh count de la Marche. This excited a reſentment in Hugh, that afterwards gave John no ſmall trouble. The king returning with his wife to England, ſhe was crowned at Weſtminſter, by the archbiſhop of Canterbury, and himſelf along with her, for the ſecond time. Immediately after this ſolemnity, he ſent delegates * to the king of Scotland, to deliver to him letters patent of ſafe conduct; and to accompany him to his preſence at Lincoln, where he required him to be on the 21ſt of December. Probably John now appeared more formidable to William, after having eſtabliſhed peace with the French king. It is, however, certain, that William obeyed the ſummons given him; and the two kings met at Lincoln on the day prefixed. On the day after, they held a conference on a high hill without the city, where, in the preſence of a great aſſembly of Engliſh, Scotch, and Norman barons, William paid homage to John, for the poſſeſſions he claimed a right to hold from the Engliſh king; and, upon the croſs of Hubert archbiſhop of Canterbury, ſwore to him fealty of life, limbs, and earthly honour againſt all men; and that he would keep peace with himſelf and his kingdom, ſaving his own right. After thus performing his homage, William demanded from his lord, the king of England,

Hoved. p. 803.

Hoved. p. 811, 812. Oct. 8.

Dec. 22.

In this year, 1199, there happened in England, and on its borders, an extraordinary inundation of waters, which carried away bridges, mills, and houſes. Among the reſt, the bridge of Berwick was deſtroyed: and earl Patrick, the governor of that town, and, at that time, juſticiary of all Scotland, having, in obedience to the king's orders, ſet about rebuilding it, he was forbidden by Philip biſhop of Durham, to make it terminate on his land. But no bridge could be built there, unleſs it terminated on land belonging to the biſhop, as it had formerly done. At laſt, by the advice of William de Stuteville, the biſhop ſuffered the work to be carried on, with a ſalvo of the convention that had been concluded between the king of Scotland, and Hugh, the preſent biſhop's predeceſſor. Hoved. p. 796.

* Theſe delegates were Philip biſhop of Durham, Roger Bigot earl of Norfolk, Henry de Bohun earl of Hereford, nephew of William king of Scotland; David earl of Huntingdon, brother to the ſame king; Roger de Laſci, conſtable of Cheſter; Euſtace de Veſey, and Robert de Ros, ſons-in-law of the Scottiſh king; and Robert Fitz-Roger, ſheriff of Northumberland. Hoved.

John, K. of England. 1200.

Northumberland, Cumberland, and Weſtmoreland, as his rightful inheritance. But after treating long concerning this demand, and not being able to agree; the king of England requeſted a truce for deliberating concerning it until the enſuing Whitſunday. The king of Scotland, having granted this requeſt, ſet out, the next morning, on his return to his own kingdom; to which he was re-conducted by the ſame perſons who had accompanied him to the king of England. Some diſturbances excited in the ſpring of the following year in Guienne by the count of March and his brother, obliging John to go over to quell them, he drew from this ſituation of his affairs, an excuſe for not giving at Whitſunday an anſwer to the king of Scotland's demand of the northern counties: and before he embarked, he ſent three envoys * to William, to requeſt that the term for giving that anſwer might be adjourned till Michaelmas.

Hoveden p 819. A. D. 1201.

About a month before that term, Conſtance, the mother of prince Arthur, died; which event gave the king of France an opportunity of taking that prince more immediately under his protection, and of obtaining a more entire aſcendant over him. He ſupported him in all his pretenſions againſt his uncle, and in the right of lord paramount, undertook to oblige John to redreſs the wrongs he had done to his nephew, as well as to the Count de la Marche and others of his vaſſals. John, being very deſirous of preſerving peace, endeavoured to elude or delay compliance with Philip's demands. But theſe arts ſerved only to excite contempt and reſentment in Philip, who having knighted Arthur, and given him his daughter in marriage, came to an open breach with John, by conferring on Arthur the inveſtiture not only of Bretagne but of the provinces of Guienne and Anjou, which John had hitherto poſſeſſed. John was ſo fortunate as to make Arthur his priſoner, as the young prince was on his way from the court of Philip, to join his uncle's rebel vaſſals in Guienne. But the jealous tyrant made the worſt uſe poſſible of this important ſucceſs, by putting to death the young prince, about eight months after, and, as ſome writers relate, with his own hands. The eſtates of Bretagne appeared as the proſecutors of John, for this horrid crime, in the court of the peers of France. Thither he was ſummoned to repair, and not appearing, was adjudged guilty of felony and treaſon; and ſentenced to loſe all the dominions which he held of the French crown. Philip proceeded immediately to execute by force of arms the ſentence given by his peers: while John, diffident of his own forces, cowardly, indolent, and voluptuous, ſcarce

A. D. 1202. (Auguſt 1.

A. D. 1203. April 3.

* Theſe meſſengers were Geffrey biſhop of Cheſter, Richard Malebiſe, and Henry de Pudſey.

In the year 1201, John of Salerno, a cardinal prieſt, and legate from the Pope to the kingdoms of Scotland and Ireland, held a council at Perth, in which canons were made. In the following year, paſſing over to Ireland, he made Ralph abbot of Melros biſhop of Down. This legate being honourably received at Melros, ſtaid there more than fifty nights. His buſineſs was, to compoſe a ſtrife betwixt the monks of Melros and Kelſo. But after making fair promiſes to both ſides, and accepting many preſents from them of money and horſes, he gave no ſatisfaction to either, but left their controverſy wholly undetermined. Ralph de Diceto, in the end of his Chronicle, *(Imagines Hiſtoriarum)* ſays, that this legate paſſing through England, was received with a ſolemn proceſſion in the church of St. Paul's, on Sept. 1. (Ralph was dean of the church) Chron. Mailr. p. 181. Dec. Scr. c. 710.

made

made a ſhow of reſiſtance. After he had ſuffered a great part of Normandy to be ſubdued, he ſtole away to England; and Philip purſuing his conqueſts through an uncommonly mild winter and the following ſummer, reduced to his obedience the whole of Normandy. He alſo, ſoon after completed the reduction of Anjou, Touraine, and Maine; ſo that nothing remained in France ſubject to the Engliſh, but the province of Guienne. Will. the Lion K. of Scotland. 1203.

To balance, in ſome degree, theſe loſſes, Courci the rebellious earl of Ulſter, was brought over priſoner from Ireland by Hugh de Lacy, and delivered to the king, who gave Lacy the earldom. John propoſed alſo, to make his advantage of a long and tedious ſickneſs, under which the king of Scotland did about that time labour; and which perhaps hindered this latter monarch from attempting to recover his claims in England, while John was ſuffering ſuch great diſaſters in France. John, in order to deſtroy or reduce Berwick, and thereby to lay open to himſelf one of the principal paſſages into Scotland, had begun to fortify a caſtle at Tweed-mouth. But William twice interrupted the work, and raſed it from the foundations; having taken priſoners, put to flight, or killed the workmen, and thoſe who guarded them. Theſe proceedings gave occaſion to a perſonal conference between the two princes at Norham; where William defended his conduct, and probably renewed his demands of the northern counties. Nothing was agreed at this meeting, and John, in great diſpleaſure, returned to his ſouthern dominions. Ford. l. 8. c. 64. A. D. 1204.

In the two following years *, John appears to have been entirely occupied in preparations and endeavours to recover ſome part of his dominions in France; under pretence of which, he extorted great ſums from his ſubjects. In the latter of the two, he paſſed over to Poictou in perſon, and had at firſt ſome ſucceſſes: but the counſels and arms of his adverſary beginning to reduce him to ſtraits, he obtained, by mediation of the Pope, a truce for two years, and returned to England. Soon after his return, the unhappy monarch was engaged in a quarrel with the Pope, that diſtreſſed him more than all he had ſuffered before. Hubert archbiſhop of Canterbury dying in 1205, part of the monks of the convent there, made an irregular election of Reginald their ſuperior; but Reginald ſoon falling under their diſpleaſure, they concurred with the ſuffragan biſhops of the province, in electing Grey biſhop of Norwich, a prelate altogether agreeable to the king. Twelve monks were ſent to Rome to ſolicit Pope Innocent's confirmation of this choice; but the pontiff vacating both the firſt and ſecond election, and determining the right of election to be in the convent alone, compelled the twelve A. D. 1205, 1206. Oct. 13.

* In 1206 died William the ninth abbot of Melros. This was the forty-eighth year after the death of St. Walheve; and William being another Walheve in ſanctity, it was reſolved, that their bodies ſhould lie together in the duſt. As the workmen were preparing William's grave, brother Robert, who was a maſon, by the incitement of ſome of his brethren, not without reluctance and much religious horror, raiſed a little the cover of Walheve's tomb, when lo! his noſe was ſtruck with a fragrance, as if the monument had been filled with ſpices. And becauſe it was in the gloom of the evening, having brought a candle to the aperture, all who were preſent looked in, and ſaw the ſacred body entire, and all its veſtments as freſh and beautiful as when firſt put on. There were ſix monks and as many lay brothers, who had the happineſs of gratifying their pious, though preſumptuous curioſity. Ford. l. 8. c. 66.

John, K. of England. 1206.

monks who had come to his court, to chooſe Stephen Langton, an Engliſhman by deſcent, and at that time one of the college of cardinals. John, on receiving intelligence of theſe proceedings, being perſuaded that the monks of Canterbury had deceived him, drove them out of their convent, and by his cruel treatment obliged them to leave the kingdom. He declared, at the ſame time, the moſt determined purpoſe, never to acknowledge or admit Langton; and ſent a letter to the Pope full of menaces. Theſe only animated the ambitious pontiff to hold on as he had begun. He ſent powers to three of John's biſhops, to lay his kingdom under an interdict; if he would not conſent to receive Langton, and repair the wrongs he had done to the monks of Canterbury; both which John refuſing, the biſhops interdicted the kingdom, and immediately after retired to the continent.

A. D. 1208. John dreading the conſequences of theſe proceedings of the Pope with regard to the obedience of his ſubjects; eſpecially if the interdict ſhould be followed in the uſual courſe, by a ſentence of depoſition againſt himſelf, and of abſolution to his ſubjects from their allegiance, endeavoured to ſecure the

Mat. Paris. obedience of his barons, by compelling thoſe whom he ſuſpected, to give him their ſons, or ſome of their neareſt relations, as hoſtages for their fidelity. The ſame circumſtances moved him to endeavour to bring the king of Scotland to ſuch terms as he judged neceſſary for his own ſecurity: for although it doth not appear, that any open hoſtilities were committed, yet there had been no

Mat. Paris. Ford. l. 8. c. 69. good underſtanding between the kings, ſince William had given orders for demoliſhing the fortreſs at Tweedmouth. John alſo complained of William's giving entertainment and aids to ſubjects of England, who were fugitives from juſtice, and enemies to their king and country *. The Engliſh king came

A. D. 1209. with a great army to Norham; and the king of Scotland, informed of his approach, aſſembled an army no leſs numerous at Roxburgh. While they were in theſe ſituations ſeveral meſſengers paſſed between them, thoſe from the king of England making many extravagant demands, with which William and his nobles abſolutely refuſed to comply. John ſeemed to be much enraged, and threatened aloud, but the nobles of each kingdom, who loved peace, interpoſing †, the armies on both ſides were diſmiſſed; and the two kings agreed to hold a conference for ſettling all matters in diſpute at Newcaſtle. Thither the king of Scotland immediately repaired; having received

* According to Trivet, John was offended at William's having married one of his daughters to the earl of Boulogne without demanding his conſent. Triv. Ann. p. 153. In the long inſtrument, containing the evidences of Edward's ſuperiority over Scotland, laid before the convention at Norham in 1291, it is ſaid, that in the Chronicle of the monaſtery of Bredlington, and in ſeveral others it is found, that in the year 1209, in the month of June, John king of England, built a caſtle at Berwick upon Tweed, (i. e. over againſt it,) and aſſembled a powerful army againſt William king of Scotland to ſubdue him, becauſe he had betrothed his daughter to the earl of Boulogne without his (the king of England's) conſent. Rymer, ii. 564. Prynne, iii. 494.

† It is probable, that William's ſons-in-law, Euſtace de Veſey who married his daughter Margery, and Robert de Ros the huſband of his daughter Iſabel, who were very powerful barons in Northumberland, and Patrick earl of March or Dunbar, who married William's daughter Ada, would exert all their influence to prevent a war between the kingdoms, the calamities of which would be ſeverely felt by their eſtates. Chron. Mailr. A. D. 1184, 1191, 1193. Margery, Iſabel, and Adda, were natural daughters of William.

hoſtages

hoſtages for his ſecurity, and being attended in his journey, as uſual, by certain Engliſh nobles and great men. In his own company were his brother David, and ſeveral of the Scottiſh nobles. But ſoon after his arrival he fell ſuddenly ill, and a ſtop being thereby put to the conferences, John retired to the interior part of his kingdom, having concluded a truce with the Scottiſh king, until his return to his own country and the recovery of his health. Will. the Lion, K. of Scotland. 1209.

William, after his recovery, convoked a numerous aſſembly of his prelates and barons at Stirling, in order to deliberate concerning an anſwer to John's demands. This being agreed on, the biſhops of St. Andrews and Glaſgow, William Cuming juſticiary, and Philip de Valence chamberlain of Scotland, were ſent to notify it to John. But it fell ſo far ſhort of John's pretenſions, that it threw him into a rage; which he vented in ſuch threats, as prompted the Scottiſh ambaſſadors to make all the haſte they could in their return, to give warning of the danger that impended from England. William received this advertiſement at Forfar; and while he made all kinds of warlike preparations, and moved with expedition towards his frontiers, where the ſtorm threatened firſt to burſt, he, at the ſame time, endeavoured to diſſipate it, by ſending repeated meſſages to the Engliſh monarch conceived in milder terms, and making abatements from his firſt claims. Theſe conceſſions did not hinder John from advancing towards Scotland, with an army formidable both by the number and the kind of the forces that compoſed it. When John had come with his army to Bamburgh *, William was at Melroſe where he remained in the abbey, while his ſubjects fit for war, with great alacrity, gathered around him from all quarters. Ford. l. 8. c. 70.

Notwithſtanding all this ſhow of deciding matters by the ſword, the counſellors of the king of Scotland adviſed him, if poſſible, to avoid a battle, by endeavouring to give ſatisfaction to the king of England. The nobles in each army did again mediate between the contending ſovereigns. The monarchs met at Norham, and there concluded a treaty of peace, by which John engaged † to deſiſt for ever from attempting to erect any fortreſs at Tweedmouth; and William, as a compenſation for the loſs and diſhonour ſuſtained by the Engliſh king, in the demolition of the works that had been begun, there agreed to pay him 4000 *l.* William alſo engaged to deliver to John, his two daughters Margaret and Iſabel, to be married to John's two ſons Henry and Richard ‡, when the parties of each ſide ſhould come to mature years; but it was fixed, that if either of thoſe princes or princeſſes ſhould die before the marriage took place, the ſurviving princeſs ſhould be married to Ford. c. 72. Mat. Paris, p. 191. Rym. tom. i. p. 155. Ibid. p. 375.

* Fordun ſays, that John having a little before made a progreſs into Wales, brought in his army two of the princes of that country, with near 13,000 of their men; that he had in the ſame army 1500 Engliſh knights, and almoſt 7000 croſs-bows. Probably theſe forces were much ſuperior to any army that the king of Scotland could bring to the field. This ſuperiority, together with William's advanced years, frequent infirmities, and the tender age of his only ſon and heir, were powerful conſiderations to engage the Scots to make great conceſſions, rather than expoſe themſelves to the hazard of a war.

† His letter containing this engagement, is in the liſt of papers found in the archives at Edinburgh in 1282. Rym. ii. 216.

‡ Or to Engliſh noblemen who were proper matches for a king's daughters.

John, K. of England. 1209.

the heir of the Engliſh throne. It was farther agreed, that the merchants of Scotland ſhould have free acceſs to England to carry on their trade, and that the king of Scotland ſhould poſſeſs ſafe and entire all his ancient honours. And in conſideration of theſe marriages, that William ſhould pay to John within two years 15,000 merks at four different terms *.

This treaty was confirmed by oaths, taken in name of the kings, by William Cuming juſticiary of Scotland, and Robert Vipont a counſellor of the king of England. All the nobles alſo of each nation who were preſent, ſwore to preſerve the peace inviolate to the utmoſt of their power †. For farther ſecurity on the ſide of Scotland, William agreed to give thirteen hoſtages. And theſe, together with his two daughters, being ſoon after delivered to John's juſticiary, and other commiſſioners appointed to receive them at Carliſle, the armies on both ſides were diſmiſſed ‡.

A. D. 1210. Ford. l. 8. c. 72.

In the following year, it was agreed, by the intervention of envoys from each prince, that the king of Scotland ſhould reſign into the hands of the king of England, all the poſſeſſions he had held of him; and that the king of England ſhould reſtore theſe to Alexander the ſon and heir of the Scottiſh king; who ſhould thenceforth hold them of the king of England. This was accordingly done at Alnwick; where Alexander rendered the ſame homage and fealty to John, that his father or predeceſſors had formerly paid to John, or to any of the kings of England. It was alſo agreed, that in time coming, inſtead of the king of Scotland himſelf, the heir of that kingdom ſhould render fealty and homage to the king of England, for the lands and honours held by him.

1209. Aug. 7. * In the obligation of the king of Scotland to pay this ſum, (publiſhed by Rymer from the records of Exchequer,) William, agreeably to Fordun's account, engages to pay it at four different terms, *viz.* 3750 merks on St. Andrew's Day next enſuing; and the ſame ſum at Whitſunday, and St. Andrew's Day in the year 1210; and at St. Andrew's Day in 1211. It is added, that the king of Scotland pays John that ſum for obtaining the favour of his lord, and in fulfilment of the conventions concluded between the kings, and mutually confirmed by their charters (theſe charters are not publiſhed by Rymer, and the account of their contents given in the text is taken from Fordun and Matthew Paris): It is farther added, that William had delivered the hoſtages, which were already in John's hands, and were named in the beforementioned charters; excepting his two daughters, which he had alſo delivered to him, *exceptis duabus filiabus noſtris quas ei liberavimus.* Doth this exception mean, that William's daughters were not named in the charters, or, that they were not delivered as hoſtages? The witneſſes to this obligation are, William biſhop of St. Andrew's, Philip de Valence, Robert de Ros, and Robert de Vipont. And it is dated at Northampton 7th of Auguſt. Is it not probable, that the Northampton at which this paper is dated, is the village of Norham?

† Yet the Mailros chronicle ſays, that the peace was concluded againſt the mind of the Scots.

‡ Matthew Paris ſays, that John left the caſtle of Norham on the 29th of June. The Chronicle of Mailros ſays, that the two kings met about the feaſt of St. James, the 25th of July; which agrees better with the date of the obligation in Rymer. This obligation alſo ſhews, that Fordun is miſtaken in placing the delivery of William's daughters and hoſtages, on Auguſt 16.

The Chronicle of Mailros relates, that about the feaſt of Martinmas 1209, the biſhops of Saliſbury and Rocheſter came into Scotland; where the one, viz. the biſhop of Saliſbury ſtaid at Kelſo (Kelchon); and the other at Roxburgh, each on their own expences; to whom the king of Scotland, as a mark of his regard, gave eighty chalders (celdras) of wheat, ſixty-ſix of malt, and eighty of oats. Chron. Mailr. p. 183. Fordun relates the ſame ſtory, ſaying, that they came into Scotland, on account of the woeful interdict under which England lay.

John

John continuing obſtinate in his oppoſition to the Pope, and exerciſing great cruelties againſt all, whether clergy or laity, who paid any regard to the interdict, brought upon himſelf a ſentence of excommunication, which was firſt publiſhed againſt him in France, and afterwards in his own kingdom. In theſe circumſtances he ſtrove to ſupport his reputation, and at the ſame time to find employment for his warlike and diſcontented vaſſals, by expeditions into Ireland and Wales; in both which he was very ſucceſsful. But that his ſecurity might not depend wholly on violence, he choſe to cultivate peace on the ſide of Scotland, and for that purpoſe held a new conference with William at Norham, where Ermengard the Scottiſh queen was preſent, and greatly promoted the intention of the meeting by her ſoft and inſinuating addreſs. The terms of the late peace were here confirmed *; and it was farther agreed, that the princes ſhould maintain each other in all their juſt quarrels, and that the ſurvivor ſhould protect and aid the other's heir, as if he were his own ſon. It was alſo agreed, that within ſix years, the king of England ſhould give to Alexander the king of Scotland's ſon, a wife, of ſuitable qualities and rank †. And as a freſh bond of amity, and earneſt of future favours, Alexander, who was then in the fourteenth year of his age, being ſent by his father to London, received there from the king of England the honour of knighthood, which was at the ſame time conferred upon twenty Engliſh youths of high rank.

Will. the Lion, K. of Scotland.

1211.

Ford. l. 8. c. 72, 77. Mat. Paris.

1212. March 8th.

The ſentence of excommunication iſſued by the Pope againſt John, not ſufficing to bring him to obedience, was followed by another, abſolving his ſubjects from their allegiance, and commanding all perſons to withdraw from his company, under the penalty of being excommunicated. The king of France and other princes were, by the ſame authority, required to attack his dominions, and diſtreſs him as an enemy to the church. Lhewellyn prince of North Wales, was enjoined to invade England; and was abſolved from the homage he had paid and the oaths he had taken, on his concluding a peace with John, in the preceding year. John commanded the hoſtages he had then received, which were about thirty of the ſons of the chief nobility of Wales, to be put to death; and having aſſembled a numerous army, purpoſed to lead it into Lhewellyn's dominions, in order to deſtroy them with fire and ſword. But he was hindered from accompliſhing his purpoſe, by informations conveyed to him from different hands, of which the king of Scotland was one, that a conſpiracy was formed againſt him; and that if he proceeded in his expedition, he would either be killed by ſome of the nobles in his own army, or delivered up to the enemy. About the ſame time, he alſo learned, that the Pope had abſolved his ſubjects from their oaths of allegiance; which

Mat. Paris.

* This treaty was confirmed by the ſeals of the kings, and of the prelates and nobles of each kingdom, and ſworn to, for the king of England, by William de Harterad his cupbearer, and for the king of Scotland, by Allan of Galloway conſtable of Scotland. Ford. l. 8. c. 77.

† Hoveden ſays, the king of France had promiſed to give his daughter by Agnes de Miranie, in marriage to Alexander prince of Scotland: Agnes was Philip's third wife, whom the Pope obliged him to repudiate Sept. 7, 1200. The princeſs her daughter, was only five years old on the day her mother parted from the king. Hoveden, p. 810. The caſe was, Philip wanted, by all means, to ſecure William in his intereſt, that he might carry on his ambitious projects againſt John, without any moleſtation from William.

rendering

John, K. of England. 1212. Mat. Paris.

rendering the other intelligence ſent him more credible, he diſmiſſed his forces and retired to London. He thence ſent meſſengers to all his nobles whoſe fidelity he ſuſpected; requiring them to ſend to him their ſons, nephews, or other relations, as hoſtages. The dread of his power and cruelty made all of them comply, except Euſtace de Veſey and Robert Fitzwalter; who being particularly accuſed as principals in the abovementioned conſpiracy, and in great ſuſpicion with the king, left the kingdom; the former retiring to Scotland *, and the latter to France. John immediately commanded their eſtates and moveables to be confiſcated for his uſe, and their caſtles to be deſtroyed. Among theſe latter, a particular command was given to demoliſh Veſey's caſtle of Alnwick. John alſo wrote to the king of Scotland, requiring the reſtitution of Veſey as a fugitive felon: but William would not betray a man who had put himſelf under his protection, was ſo nearly related to him, and had not been convicted of the crime laid to his charge.

Dugd. Peer. vol. i. p. 92. from John's patents. Ford. l. 9. c. 5.

John was not only in the utmoſt hazard of the rebellion of his own ſubjects, but being alſo threatened with an invaſion from France, for which Philip had been making open and very formidable preparations, was ſtill intent to ſecure himſelf on the ſide of Scotland. With this view, he came again to Norham, in the following year; having appointed a meeting there with the king of Scotland, in order to cement more indiſſolubly the peace between the kingdoms. William, who had been lying ſick at Newbottle, endeavoured to make good his engagement to meet John, but was not able to proceed farther than Haddington. This being notified to the Engliſh monarch, he requeſted William to ſend to him his ſon Alexander, tempting his compliance by many fair promiſes. But though a few of William's counſellors, who favoured the king of England, were of opinion, that the prince ſhould be ſent; yet the greater part judging differently, it was refuſed, under pretence of Alexander's youth and inexperience, which rendered him unfit for treating of the affairs of the kingdom, or for anſwering John's inquiries about them. But what chiefly weighed with them, was their apprehenſion, that if John got the heir of their kingdom into his power, he would make no ſcruple of detaining him, at leaſt, until he exchanged him with Euſtace de Veſey. John, thus diſappointed of his aim, returned haſtily into his own kingdom; the circumſtances of his affairs by no means allowing him to indulge his reſentment by open hoſtilities.

A. D. 1213. Ford. l. 8. c. 78.

Matters were now come to a criſis with this unfortunate monarch. The Pope proceeded to depoſe him; made a formal donation of his kingdom to the king of France, and ordered a croiſade to be publiſhed againſt him in France, and other places of Europe, with the ſame indulgences that were wont to be given in expeditions to the Holy Land. John aſſembled a great ſtrength, for his defence both by land and ſea; but the many injuries he had done his ſubjects, and their awe of the papal fulminations, gave him the juſter grounds to doubt of their fidelity. In theſe circumſtances, he could diſcover

* Fordun ſays, that Veſey went to John's court; but being warned, that he was to be ſeized by the king the following day, he fled to Scotland together with his wife and ſon; and that he was followed thither by many of his dependents, bringing with them their horſes and arms, and other moveables, that they could moſt eaſily carry off. Ford. l. 9. c. 5.

no ſource of ſafety, but in making his peace with the Pope; and the legate Pandolph, availing himſelf of his diſtreſs, made him paſs from the extreme of obſtinate rebellion, to that of plain ſubjection and dependence, by ſolemnly reſigning his kingdom to the papal ſee; and receiving it back, on condition of remaining the Pope's vaſſal, and paying to him as ſuch, an annual penſion of 700 merks for England and 300 for Ireland. From this moment, John obtained all the protection and aid the holy father could give. His thunders were now levelled againſt Philip; but had not ſufficient force to make that monarch abandon a proſpect, ſo flattering to his ambition, as that of the conqueſt of England. John, however, was delivered from this danger, by his fleet; which, under the conduct of William Longſword earl of Saliſbury, and Renaud count of Boulogne, deſtroyed a very great part of the French navy, on the coaſt of Flanders; and thereby made it impoſſible for Philip to tranſport into England the numerous army he had collected for invading it.

Will. the Lion, K. of Scotland.

1213. May 15th.

Inſtead of receiving an attack in his own kingdom, John, encouraged by his great ſucceſſes at ſea, and by the protection of the Pope, undertook to recover his poſſeſſions in France. The refractorineſs of his barons delayed, for ſeveral months, the expedition he intended for this purpoſe. But perſiſting obſtinately in his reſolution, he paſſed over to Guienne in the following winter *; and being joined by ſome powerful French lords, made no ſmall progreſs in the reduction of Poictou and Anjou. Louis, the eldeſt ſon of the French king, gave the firſt check to the farther progreſs of his arms, and having afterwards defeated, in the battle of Bovines in Flanders, a mighty army commanded by the Emperor Otho, and others of John's moſt powerful allies, this monarch was obliged to reſign all his late acquiſitions in France; and having, by the mediation of the papal legate, concluded a truce with Philip, for five years, returned to England in the beginning of winter.

A. D. 1214.

July 27th

Oct. 29th

The immediate conſequence of John's peace with Rome, had been the admiſſion of Langton to the ſee of Canterbury, and the reſtoration of the exiled biſhops. The damages which theſe prelates and other churchmen had ſuſtained, being compenſated at the ſight of the Pope's legate †, the interdict under which the kingdom had continued more than ſix years was removed; and John, as the Pope's vaſſal, enjoying his immediate and ſpecial protection, ſeemed to be no longer in hazard of moleſtation from churchmen. But Langton, actuated either by a zeal for liberty and right, or by a ſtrong reſentment of the obſtinate oppoſition that had been made to him by the king, raiſed a ſtorm againſt him more terrible than any he had hitherto ſtruggled with. This prelate made the barons acquainted with a charter of liberties, which Henry I. had granted to their anceſtors, inſtigated them to claim theſe liberties at the

* When he was about to ſet out on this expedition in Summer 1213, he ordered the earl of Wincheſter, who had the keeping of the hoſtages of the king of Scotland, to ſend them to him at Portſmouth, Rymer, tom. i. p. 174. In 1214, he gives a diſcharge to William de Harecurt, for two hoſtages of the king of Scotland, Thomas de Coleville, and Gervaſe Avenel, who had been in the keeping of Harecurt, and were delivered to the king at Corff 28th April 1214. Rym. ibid. 184.

† The lands alſo of thoſe barons who had been forfeited, for adhering to the Pope againſt their ſovereign, were reſtored to them, in particular thoſe of Euſtace de Veſey. Dugd. Peerage, vol. i. p. 92.

John, K. of England. 1215.

hand of John, and engaged them to ſwear, that they would do ſo on a proper occaſion. Other concerts and engagements aroſe from this beginning; and the reſult was, that a very numerous body of barons, did, in the end of the Chriſtmas holidays, formally demand of the king the renewal and execution of the charter abovementioned, and alſo, of certain laws of king Edward the Confeſſor that were of the ſame ſcope *. Among the principal heads of this combination, were certain powerful barons of the north; who had refuſed to accompany the king in his intended expedition to Poictou in 1213, and alſo to pay the ſcutage impoſed for defraying the expence of the expedition which he actually made thither in the preceding year. After various delays and unavailing expedients to evade their requeſt and diſappoint their enterpriſe, John was at laſt obliged to grant to them the celebrated charter of liberties, June 15th. commonly known by the name of Magna Charta, and alſo the charter of Foreſts. And as the barons could not by any means confide in the king for making good what they had extorted from him, they farther obliged him to conſent to a nomination of twenty-five of their own number, to be conſervators † of the privileges granted by the charters; and who for that effect, were inveſted with ſuch extenſive powers as almoſt annihilated the regal authority.

John was too haughty, and too much accuſtomed to tyrannize, to ſubmit long to ſuch reſtraints. To hide his ſhame, and more ſafely to carry on meaſures for regaining his loſt authority, he retired to the Iſle of Wight. He ſent agents to Rome to ſolicit the help of the Pope, and others to various places of the continent to hire foreign forces, whom he allured into his ſervice with the proſpect of the ſpoils of his rebellious barons. The Pope readily abſolved him from the oath by which he had confirmed the charters, excommunicated all diſturbers of the peace of his kingdom, and cenſured the archbiſhop. About Michaelmas, John's foreign mercenaries having arrived at Dover, he began to attack the caſtles, and lay waſte the eſtates of his barons. In this work he had great and rapid ſucceſs, being much aided by the papal fulminations. Having ſubdued many places of ſtrength in the neighbourhood of London, he left a part of his army to maintain and extend his acquiſitions in that quarter, and marched with the remainder of it againſt the rebellious barons of the north.

1214. Dec. 4th. William king of Scotland, exhauſted by age and infirmities, died in the end of the preceding year, and was ſucceeded by his ſon Alexander II. a youth

* This combination was much promoted by the many injuries and diſhonours John had done to his barons, by vitiating their wives or daughters. Hemingford, and from him Knighton, relates an attempt of this kind he made on the wife of Euſtace de Veſcy, by means of a ring he had got from her huſband. Veſcy, by a lucky accident, diſcovering the king's intentions, preſerved his wife from abuſe; and inſtead of her, conveyed into the king's arms a common ſtrumpet. Veſcy himſelf informed the king of this deceit, and thereby provoked his higheſt reſentment; to defend himſelf from the effects of which, he combined with other injured or diſcontented lords. Knighton, ap. Dec. Scr. 2422. Knighton calls Veſcy *nominatiſſimus baro et ſtrenuiſſimus miles.*

The barons of the north, in this combination, were Euſtace de Veſcy, Richard de Percy, Robert de Ros, Peter de Bruis, Nicholas d'Eſtouteville, William de Moubrai, and Oliver de Vaux.

† Among theſe conſervators, were Euſtace de Veſcy, Robert de Ros, Richard de Percy, William de Moubrai, and Roger de Moubrai.

not

not much more than fifteen years of age. To this young king the barons of Northumberland ¶ had recourſe for protection againſt John: and in order to obtain it, they did homage to Alexander at Felton. The Scottiſh King, immediately on receiving this homage, inveſted the caſtle of Norham with all his forces; but, after lying before it forty days, was obliged to raiſe the ſiege ‖. John greatly incenſed at theſe proceedings, purſued his march northwards, in the depth of winter, with much expedition. The barons of Yorkſhire, who had been in the combination againſt him, had the ſame recourſe with their neighbours in Northumberland. They came to the king of Scotland at Mailros, and did homage and ſwore fealty to him, in the chapter-houſe of the monaſtery: John, faſt following them, deſtroyed by fire and ſword their houſes, towns, and eſtates. Some of their houſes and corn the barons themſelves had deſtroyed before John's arrival, in the view of diſtreſſing him by want of proviſions. By theſe means a great number of places were burnt; among which were, the towns of Milford and Morpeth, Alnwick, Wark, and Roxburgh *.

Alexander II. K. of Scotland.

1215. Chr. Mailr. Oct. 18.

On the day that preceded the burning of Roxburgh, John took the town and caſtle of Berwick; where he and his mercenaries perpetrated the moſt barbarous cruelties. For, in order to extort from the inhabitants a diſcovery of their money and goods, they hung up both men and women by the joints of their hands and feet, and inflicted on them various other tortures †. Advancing thence into Lothian, he burnt Dunbar and Haddington, with ſome other places of ſmaller note. Alexander having drawn together all the power of his kingdom, encamped on the river Eſk, near Pentland; by which way the Scots expected the king of England would return into his own kingdom. But John, not chooſing to riſk a battle ‡, returned by the way he came, marking his road by new feats of rapacity and cruelty. The abbey of Coldingham, which had been ſpared in his march into Lothian, was, on his return, plundered by his mercenaries. They alſo burnt the town of Berwick, the king himſelf diſgracing majeſty by ſetting fire, with his own hand, to the houſe in which he had lodged. Theſe outrages were quickly returned by an inroad

A. D. 1216, Jan. 15.

Ford. l. 9. c. 28.

Chr. Mailr.

¶ In the diſtributions made by the barons, of the government of the counties, in preparing to reſiſt John, Robert de Ros, the Scottiſh king's brother-in-law, was intruſted with the government of Northumberland.

‖ Fordun ſays, that having ſoon granted a truce to the beſieged, he led his army into Northumberland; ſubduing the country, and receiving the homage of its inhabitants. Ford. l. 9. c. 28.

* M. Paris's account of John's expedition into Scotland at this time, is in the following words: "Deinde rex, ira ſuccenſus, vehementi apud partes Scotiæ tendebat ciſmarinas, et captis caſtris de "Berwic et aliis quæ videbantur inexpugnabilia, improperavit regi Alexandro, et quia erat rufus, "ſignificavit ei, dicens, Sic ſic fugabimus rubeam vulpeculam latibulis ſuis. Multum igitur ibidem "ſtragem et exterminium exercuiſſet, niſi eundem neceſſitas magna dilationem non capiens revo-"caſſet." Mat. Paris, 232.

† He is related to have had Jews attending his army, who were the directors of theſe barbarities. Chr. Mailr.

‡ So Fordun repreſents the matter: but it is not probable that the Scots would, in the circumſtances of the kingdom at that time, think of riſking a general engagement: and the Mailros Chronicle, which gives the moſt particular account of this expedition, doth not mention any ſuch deſign.

John, K. of England, 1216.

of Alexander into the northern parts of England; through which he is ſaid to have penetrated as far as Richmond; receiving, as he paſſed, the ſubmiſſion of the inhabitants of the biſhoprick of Durham. He bent his way homewards through Weſtmoreland and Cumberland, ravaging and deſtroying the country through which he paſſed, the Scots in his army acting with the ſame undiſtinguiſhing ferocity, as John's foreign mercenaries §.

Notwithſtanding the ſpirit ſhewn by the young king of Scotland, his aid did by no means ſuffice to ſupport the combined barons againſt John's warlike mercenaries, and the ſpiritual artillery of the Roman ſee. Being ſoon reduced to a deſperate ſituation, they had recourſe to a remedy ſtill more deſperate; making an offer of the crown of England to Louis, ſon and heir of Philip king of France, on condition that Philip ſhould ſupport them with all his might againſt their own dreaded and deteſted ſovereign. Their offer was accepted; a body of French troops was tranſported to England; Louis, with many more in addition to theſe, followed ſoon after in perſon; and John, deſerted by many of his mercenaries, who were vaſſals of France, and refuſed to fight againſt their lord, was quickly reduced to new difficulties.

Louis, now maſter of a great part of the kingdom, ſummoned all the Engliſh prelates and nobility to aſſemble at London, in order to do him homage. The king of Scotland was alſo ſummoned, as a vaſſal of the Engliſh crown. In compliance with this call, Alexander marched into England, over the weſtern march, carrying with him a conſiderable army *. In his way to London he took the city of Carliſle †, but was not able to reduce the caſtle. From Carliſle he marched quite through England, to its oppoſite corner, where Louis was employed in beſieging the caſtle of Dover. Alexander committed depredations, as he advanced, on the lands of king John and his friends, but ſpared thoſe of the oppoſite faction. In paſſing through the county of Durham, the king, and northern barons who attended him, came before Barnard's caſtle, which belonged to Hugh de Baliol ‡; and while they were reconnoitering it, Euſtace de Veſey received a mortal wound by the ſhot of a croſs-bow from its walls §. This was a very afflicting ſtroke to his brother-in-law king

Kal. 3.

§ The Scots pillaged the abbey of Holmeultram in Cumberland, as John's ſoldiers had done that of Coldingham. The Melroſe chronicler repreſents the Scots, *i. e.* the Highlanders, as having committed every thing ſacrilegious and inhuman, in ſpoiling this monaſtery; as a judgment for which, more than one thouſand nine hundred of them were drowned in the Eden, as they were returning with their booty.

* The Chronicle of Mailros ſays, that he had all his army with him except the Scots, from whom he took money in lieu of their ſervice.

† The Mailros Chronicle ſays, it was ſurrendered to him; and perhaps this ſurrender was in obedience to an order from the barons of Louis's ſide, to the chief men of Carliſle, to ſurrender it to Alexander. The title of this order is in the catalogue of papers in Sc. Arch. in 1218. Rym. ii. 217. The Melroſe Chronicler adds, that he did not take *(non expugnavit)* the caſtle *(ea vice)* implying, that he did it afterwards.

‡ Returning from his expedition into Scotland, John had committed the government between the Tees and Tweed to Hugh de Baliol and Philip de Ulecotes; aſſigning them a number of knights and armed men ſufficient for its defence.

§ The Chronicle of Dunſtable ſays, that Barnard's caſtle was attacked by an army raiſed by the northern barons, and that Euſtace de Veſey being there ſlain, their party was utterly diſcouraged, and

king Alexander, and a heavy blow to the cauſe of the rebel barons in the north. Alexander coming to Dover, did there pay homage * to Louis, for the poſſeſſions which he had a right to hold from the king of England: and both the barons and Louis did, on this occaſion, when his help was ſo neceſſary, expreſsly recognize Alexander's right to the counties of Northumberland, Cumberland, and Weſtmoreland ‖. Louis and the barons did alſo ſwear that they would make no peace with John, without including the Scottiſh king. After having remained fifteen days with Louis, Alexander ſet out on his return to his own kingdom. His march was retarded by the oppoſition of ſome of John's forces, who did what they could to obſtruct the paſſage of the Scots over the Trent. But theſe difficulties were removed by the death of John at Newark upon that river; which was commonly aſcribed to his grief for the loſs of his regalia, baggage, and treaſure, in paſſing over from Lynn in Norfolk to Lincolnſhire. Alexander, as is related by Fordun, is ſaid to have plundered the camp of the forces of the deceaſed king, taking advantage of the confuſion they fell into upon the king's death; and being enriched with their ſpoils, returned ſafe to his own country.

Alexander II. K. of Scotland.

1216. Mat. Paris. p. 241. Chr. Mail. Ford. l. 8. c. 29.

Oct. 19.

Ford. l. 8. c. 29.

Henry III. John's eldeſt ſon, was little more than nine years of age, when his father died. His tender years exempted him from having any part in his father's guilt: and the charge of him and the kingdom was, by the few nobles who continued faithful to the late king, intruſted to William Mareſchal earl of Pembroke, a man illuſtrious for fidelity, wiſdom, and courage. On the other hand, prince Louis, and the great men of France who attended him, had conducted their affairs imprudently, and diſguſted many of the Engliſh of their party, by their arrogance and falſehood. Young Henry had the farther advantage of having all the clergy on his ſide, with Gualo the Pope's legate at their head; by whoſe authority the ſentence of excommunication was fulminated, on each Sunday and holiday, in all the pariſh churches of England, againſt Louis and all his adherents. The advantage ariſing from this ſource was ſo conſiderable, that the nobles on Henry's ſide allowed him, at his coronation, to take the ſame oath of fealty to the ſee of Rome which his father had taken four years before. There was ſoon a great defection of the Engliſh barons to their natural prince; and a total defeat given to Louis's army at

Henry III. K. of England.

Oct. 28.

and their forces diſperſed. Carte. Upon the death of Euſtace, the one moiety of all his land was beſtowed by John on Philip de Ullecotes. William, Euſtace's ſon and heir, being ſent by his widow to the earl of Pembroke, ſoon afterwards created regent of the kingdom, a grant was made of the wardſhip and marriage of the young nobleman to the earl of Saliſbury, king Henry the Third's uncle, and the cuſtody of the caſtle was committed to Richard de Moriſco biſhop of Durham. William was married to the earl of Saliſbury's daughter; and in 10th of Henry the Third, he obtained livery of all his lands, and alſo of the caſtle of Alnwick, which was then in the hands of Everard de Tyes. In 29th of Henry III. he procured a grant of five bucks and ten does, to be taken out of the king's foreſts in Northumberland, to ſtore his park at Alnwick. Dugd. vol. i. p. 93.

* The Chronicle of Mailros ſays, that this homage was paid at London: but it is certain that Louis began the ſiege of Dover on July 22. M. Paris's words are: *Eodem tempore, menſe Auguſto, Alexander rex Scotorum apud Doveram exercitu magno, propter metum regis Joannis, veniens, fecit homageum de jure ſuo quod de rege Anglorum tenere debuit.*

‖ This appears from the titles of papers relating to this affair, found in the Scottiſh archives in 1282. Rym. ii. 217. And. Sc. Ind. App. No. 26.

Lincoln.

Henry III. K. of England.

1217.

Lincoln in the enſuing May, followed by the deſtruction of a fleet which was bringing him over a great reinforcement from France in Auguſt, reduced him to a neceſſity of abandoning England. By the interpoſition of the legate, a treaty was concluded in an iſland of the Thames near Kingſton, by which a ſafe retreat to his father's kingdom was ſecured to Louis, upon his renouncing all his claims in England. At the ſame time, for the ſake of reſtoring the publick quiet, very favourable conditions were granted to the Engliſh barons who had adhered to the French prince. The king of Scotland was alſo declared to be included in this peace, on condition of his reſtoring to the king of England all the caſtles, priſoners, and lands, he had ſeized in the courſe of the war: the king of England obliging himſelf to make the like reſtitution on his part, to the king of Scotland.

May 20. Aug. 23. Sept. 11. Rym. tom. i. p. 221.

Alexander had, in fulfilment of his engagements with Louis, entered Northumberland in May, and laid ſiege to the caſtle of Midford; but after beſieging it for a week, he returned to his own kingdom; having probably received intelligence of the overthrow of Louis's army at Lincoln. Philip de Ullecotes and Hugh de Baliol were encouraged by this overthrow and Alexander's retreat, to aſſemble forces for making an inroad into Scotland; of which Alexander being advertiſed, did again collect an army from all parts of his dominions, and led it towards Northumberland, in the beginning of July. Concerning the events of this expedition we are not informed: but Alexander, ſtill intent to ſuccour his ally, did again raiſe an army in Autumn, and having come with it to Jedburgh, received advice of the peace concluded between Louis and the king of England; upon which he diſmiſſed his army, and continued, for the ſake perhaps of ſpeedier intelligence from England, at the place laſt mentioned, all the month of September.

Chr. Mailr.

July 4.

Ford. l. 9. c. 31.

The alliance of Alexander with Louis, and the open exertion of his power on that ſide, had brought upon himſelf, his clergy, and people, the higheſt cenſures of the Roman ſee *: but upon his accepting the peace between Louis and Henry, the legate conſented to abſolve him from his excommunication. He gave powers for that effect to the archbiſhop of York and biſhop of Durham, who came to Alexander at Berwick, and there gave him abſolution †. Three days after, the king's mother received the ſame privilege from the biſhop of Durham. Immediately after the king's abſolution, the archbiſhop

Chron. Mailr.

Dec. 3.

* Fordun enumerates the reaſons of excommunicating the king of Scotland and thoſe of his kingdom. Theſe were: The intercourſe which that monarch and his ſubjects held with king John, during the interdict of the kingdom of the latter; the Scottiſh prelates admitting to their communion the king of Scotland and his army, who had fallen under the ſentence of the Lateran council, which excommunicated all the enemies of John, who was then reconciled to the Roman ſee, and had become its feudatory; the favour ſhewn by the king of Scotland to prince Louis of France; the king of Scotland's deſtroying the caſtle of Tweedmouth, over againſt Berwick, although that caſtle was rebuilt contrary to the oath of king John; and finally, Alexander's refuſal to reſtore Carliſle at the requeſt and command of the legate. Ford. l. 9. c. 31.

† Fordun ſays, that the king, and all the laymen who attended him, received abſolution at Tweedmouth.

There is a bull of Pope Honorius III. dated Jan. 17, this year, annexed to Edward the Firſt's letter to Pope Boniface, in 1301, wherein he ſeverely cenſures Alexander's defection from his natural lord, and the Roman ſee, and admoniſhes him to return to his duty. Ford. l. 11. c. 44.

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Henry III. K. of England.

set out for Carliſle to receive, by virtue of an order from Alexander, the ſurrender of the caſtle of Carliſle ‡. At the ſame time Alexander, being conducted by the conſtable of Cheſter, who was for that purpoſe ordered to attend him at Berwick, went to the Engliſh king at Northampton; where he performed homage for the county of Huntingdon, and the other lands that his predeceſſors had held from the kings of England.

1217. Rym. tom. i. p. 221. Dec. 23.

In the beginning of the following year, the legate gave a commiſſion to William Prior of Durham, and Walter de Wiſbech, archdeacon of the eaſt riding of Yorkſhire, to abſolve the church and people of Scotland from the excommunication and interdict they had been laid under. But out of this commiſſion were excepted, the biſhops, and clergymen of higher rank, and of large benefices; to whom their power of abſolution did not extend. The prior and archdeacon, entering Scotland by Berwick, made a progreſs as far as Aberdeen; and on their arrival in the ſeveral towns which they viſited, they commanded the clergy in the neighbourhood, both ſecular and regular, to attend them; and having firſt obliged them to ſwear obedience to the legate, and to make an ingenuous confeſſion of all matters concerning which they were aſked, they abſolved them, ſtanding barefoot before the doors of the churches or abbies, in which they had aſſembled. The commiſſioners were every where ſumptuouſly entertained *, and their favour was courted by great ſums of money, and many preſents. The fleecing of the dignified clergy the legate reſerved to himſelf: with this view, he required them to meet him about Eaſter at North-Allerton; where he gave abſolution to ſome who ſatisfied his demands; obliged others to repair to the court of Rome to be abſolved there, and paſſed on others ſentences of ſuſpenſion, or depoſition, as the different degrees of obſtinacy in the perſons accuſed, or his own views of gain, dictated. The Ciſtertian, or white monks, incurred his high diſpleaſure, by pleading againſt his legatine authority, the privileges and exemptions of their order. His ſub-delegate Wiſbech, by Gualo's authority, firſt interdicted them from the diſcharge of divine offices, in their ſeveral monaſteries; and afterwards, holding a council at Berwick, on Palm Sunday, and the day following, where were preſent many prelates and other clergy, he paſſed a ſentence of excommunication againſt thoſe monks, and all who communicated with them. To pacify the wrath of the tyrannical legate, notwithſtanding their claims of privilege and repeated appeals to Rome, they were obliged, for a time, to abſtain from ſacred offices, or entering any church. But the biſhop of St.

A. D. 1218. Chr. Mailr. p. 195, 196. Ford. l. 9. c. 31, 32, 33.

‡ So it is expreſsly called in Chr. Mailr. And Fordun ſays, that Alexander, after having taken the town of Carliſle, beſieged the caſtle; and the latter being ſurrendered to him after a long ſiege, he ſtrengthened its fortifications. Fordun does not mention the time when this happened. Ford. l. 9. c. 30.

* When they had come, on their return, to the abbey of Lindoris, the bed-chamber where the prior lodged was accidentally ſet on fire, by the careleſſneſs and rioting of thoſe who had the management of the wine. The prior was almoſt ſuffocated with the ſmoke, and was thrown into a languor which ſoon cut him off. He was, with difficulty, conveyed to Coldingham, where he breathed his laſt, on the 13th of May. This circumſtantial account of the place and time of the death of prior William, ſeems to deſerve more credit than the index in the Cotton library, quoted by Wharton, according to which, he died in 1214. Ang. Sacr. p. 788. Chron. Mailr. p. 196.

Henry III. K. of England. 1218.

Andrews, ſoon after, was commiſſioned to abſolve them, upon their giving an oath to ſtand to the judgment of the church, and the commands of their lord the Pope, with a ſalvo to their order and privileges. The complaints, however, of this order, and the intereſt of their abbots at the Roman court, proved too ſtrong for Gualo. He was recalled in the latter part of this year; and Pandolf, biſhop of Norwich, was appointed legate in his ſtead.

A. D. 1219.

In the following May, the king and kingdom of England ſuſtained a great loſs, in the death of the earl of Pembroke, who, in executing his office of regency, was alike faithful to his ſovereign, and to the rights of his fellow-ſubjects, as declared by the two famous charters. He was ſucceeded in his charge, by Peter biſhop of Wincheſter, and Hugh de Burgh, chief juſticiary.

Rym. tom. i. 228, 235.

Soon after their entering on the adminiſtration, a meeting was held at Norham, before the Pope's legate, between Alexander king of Scotland, and Stephen de Segrave, who appeared there as procurator for the king of England. The deſign of this meeting, was to treat of certain cauſes and controverſies between the kings of England and Scotland, relative to the treaty concluded between John and William, the fathers of the preſent monarchs. The king of Scotland had ſubmitted the matters in queſtion, and the whole obligation of the treaty*, to the judgment of the Pope; who, by a ſpecial mandate, gave his legate full powers, after due conſideration of the tenor and circumſtances of the treaty, to confirm or abrogate it as he ſhould judge right. At the meeting above-mentioned, a day was appointed, at the diſtance of three months, for negociating a treaty of peace between the kings, in the preſence of the legate, wherever he ſhould then happen to be; and if ſuch a treaty could not be concluded, the matters in controverſy were to be tried, and decided according to juſtice.

Nov. 2.

We have no accounts tranſmitted to us of the progreſs, or of any other circumſtances of this negociation, beſide thoſe above related; but it probably iſſued in the convention concluded at York, in the following ſummer, between the two monarchs, who met there in perſon. At this meeting, Henry gave his obligation to Alexander, to give him in marriage his eldeſt ſiſter Jane, at the feaſt of Michaelmas, if ſhe ſhould at that time be reſtored by the count de la Marche, who had received her when ten years old from her father, in the view of marrying her, when ſhe came to maturity; but, ſince her father's death, had married her mother, and yet would not reſtore Jane. In caſe Henry could not, at the term agreed, give the king of Scotland his eldeſt ſiſter, he engaged to give him his ſecond, Iſabel. By the ſame deed he engaged to find, within a year after the feaſt of St. Dennis, ſuitable matches for the king of Scotland's two ſiſters, who had remained in England from the time they were delivered to king John by their father William, or if they were not married within the time prefixed, he promiſed to reſtore them to their brother. The king of Scotland did, on the other hand, oblige himſelf to take to wife Jane, at the term above-mentioned, or her ſiſter Iſabel, if Jane was not then reſtored to her brother. Henry applied to the Pope for his aid, to reco-

A. D. 1220. June 15.

Rym. tom. i. 240, 241.

* A copy of the letters (or deed) of the king of England, containing the articles of this treaty, under the ſeals of the biſhops of St. Andrews, Dunkeld, and Caithneſs, had been tranſmitted to the Pope.

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ver his eldeſt ſiſter from the count de la Marche; and the count delivered her after being put in full poſſeſſion of his wife's jointure. The king of Scotland waited her return to England; and was married to her at York *, in the following ſummer; and, not long after, his eldeſt ſiſter, Margaret, was married to Hubert de Burgh, guardian of the king and kingdom of England, and chief juſticiary †.

Alexander II. K. of Scotland.

A. D. 1221. June 25. Mat. Paris. Ford. l. 9. c. 34.

The tendency of theſe connexions was to preſerve peace between the kingdoms; and the effect ſeems to have correſponded, while Hubert de Burgh maintained the chief direction in the adminiſtration of public affairs in England. This continued for more than ten years, notwithſtanding ſeveral efforts of the jealous and headſtrong barons to eject him. During this period, Alexander farther ſtrengthened his intereſt in England, by marrying his ſiſter Iſabel to Roger Bigod, the young earl of Norfolk; of whom, being yet a minor at the time of his marriage, Alexander purchaſed the wardſhip from the king of England, for the ſum of 500 merks. Two years after, an alliance of much greater conſequence was in agitation, between Richard earl of Cornwal, the king of England's only brother, and Marjory, the king of Scotland's youngeſt ſiſter. With this view, Richard came in perſon to viſit the Scottiſh king; and having made a progreſs with him, through the ſouth-eaſtern part of his dominions, proceeded to Kinghorn, where the princeſs reſided with her mother. But the match being diſagreeable to the king of England, and Richard's demands of dowry being thought too high, king Alexander, after having treated him with the greateſt kindneſs and reſpect, did, by the advice of his nobles, diſmiſs him, without agreeing to his propoſals ‡.

Rymer, vol. i. p. 278. Dugd. Baronage, vol. i. p. 133. A. D. 1225.

A. D. 1227. Ford. l. 9. c. 46.

A few

* Alexander ſettled on his ſpouſe lands, of the value of a thouſand pounds of yearly rent *(has terras ſubſcriptas pro millibus libratis terræ)*: theſe were Jeddlewurth, Leſſedwin, with their dependencies; and in Scotland (in *Scotia*, ſo inſtrument) Kingor (Kingorn), and Carrail, with their dependencies. The queen dowager was in poſſeſſion of the two latter; and in caſe both the queens ſhould ſurvive the king, and the queen dowager would not reſign to her daughter-in-law Kingorn and Carrail, a proviſion was made for the latter, of other lands in lieu of theſe. Rym. tom. i. p. 252.

For the obſervation of the articles of this contract, *fideliter et bona fide*, the following perſons bound themſelves and heirs; William biſhop of St. Andrew's, Walter of Glaſgow, William de Boſch, chancellor, the prior of Ceſdeugh (Is it Coldingham?), earl Patrick, William Cumin, earl of Buchan, juſticiary of Scotland, Robert de Lond, Walter, ſon of Alan Stewart, Robert de Bruis, Walter Olifard, juſticiary of Laodonia, Engel de Baill, Philip de Moubrai, Henr. de Baill, Joh. de Macouſwell; fourteen in all.

The Chronicle of Dunſtable ſays, That Henry did alſo, about this time, remit Alexander a debt of 5000 merks. Carte, vol. ii. p. 17.

† Hubert de Burgh became ſole regent of the kingdom, and guardian of Henry's perſon, in conſequence of Peter biſhop of Winchelſea's taking the croſs, and ſetting out on an expedition to the Holy Land. This happened September 19; and, according to Fordun, Hubert de Burgh married Margaret, the king of Scotland's ſiſter, on the Sunday after Michaelmas. Ford. l. 9. c. 34.

Margaret had a daughter and heir, called Magota, who died without heirs. The name of William's ſecond lawful daughter, was Iſabella, and of his third Marjory; neither of whom had heirs of their body.

‡ In 1227, on the day of Pentecoſt, Alexander conferred the honour of knighthood, at the caſtle of Roxburgh, on his kinſman, John Scot, earl of Huntingdon, the ſon of his uncle, earl David. The ſame honour was conferred, at the ſame time, on ſeveral other young noblemen. Earl David died in 1219, leaving John, his only ſurviving ſon and heir, a minor; of whom his uncle by the mother, the earl of Cheſter, had the tuition, with an annuity for his maintenance. But Alexander,

Henry III. K. of England.

A few years after, king Henry himſelf ſought in marriage the ſame lady *; and for effecting this alliance, did agree on certain conditions with her brother. But the nobles of England, with the earl marſhal at their head, vehemently oppoſed this marriage; alleging, that it was unworthy of the king to marry the younger ſiſter, when the elder was married to Hubert de Burgh; and their remonſtrances induced the king, though reluctant, to violate his engagements. Not long after, Peter des Roches, biſhop of Wincheſter, returning, with glory and riches, from an expedition into the eaſt, ſupplanted Hubert in the favour of his maſter; and prevailed with the weak incautious monarch to ſtrip him of his great offices, and to treat him with extreme rigour. In the year following, happened the death of Ermengarde, queen dowager of Scotland; whoſe influence with her ſon was probably employed to maintain peace with England. To theſe events may be added the expiration of a truce, between England and France, which was not long in ſucceeding them; and to ſome, or all of theſe, as ſources, may be aſcribed the diſſenſions that began, about this period, to ariſe between the kings of England and Scotland.

A. D. 1231. Mat. Paris, p. 312.

A. D. 1232.

A. D. 1233.

A. D. 1234. June 24.

The firſt trace that now appeareth of theſe diſſenſions, is the king of England's *ſuſtaining and approving* of an *appeal*, which the archbiſhop of York was about to make againſt Alexander, king of Scotland, for cauſing himſelf to be crowned, in prejudice of the king of England's royal dignity, and of the liberty of the archbiſhop and his church. The claim of ſovereignty over Scotland, thus revived, application was made by the court of England, to Pope Gregory, to employ his authority to confirm it. It was repreſented to the Pope, by the agents of Henry, that the liege homage and fealty, which was rendered to the king's grandfather, Henry II. by William king of Scotland, in conſequence of the captivity of the latter, did continue due, and had been accordingly, ever ſince, paid by the kings of Scotland to thoſe of England †; that this fealty was due, not only by the king, but by the earls and barons of Scotland, to the king of England and his ſucceſſors; that the Scottiſh earls and barons were obliged to join with the kings of England, againſt thoſe of Scotland, if the latter broke their fealty: farther, that when the vaſſals of the one king, fled from juſtice to the kingdom of the other, this other king, or his vaſſals, ſhould not reſett them in their lands; and that the vaſſals of either ſhould hold the lands they poſſeſſed before this convention in the kingdom of the other. Theſe articles, the Pope mentions in a bull, addreſſed to the Scottiſh king; and admoniſhes him to obſerve them; as his doing ſo, would greatly conduce to the peace and tranquillity of both kingdoms. With the ſame view, a bull, of the ſame date, was ſent to the archbiſhop of York, and

Rym. i. 328.

Rym. i. 334. Ford. l. 11. c. 44.

A. D. 1235. Jan. 4.

king of Scotland, obtained, after David's death, a grant from Henry of the honour of Huntingdon, with the caſtle and town of Fotheringay, ſaving the right of John, David's ſon. Upon his attaining full age, which was in the ſame year that he was knighted at Roxburgh, he had his lands delivered to him.

* Fordun calls the princeſs, courted by Richard, Margaret; but Margaret was married in 1221, to H. de Burgh. And it is evident from the treaty before the legate Otho, in 1237, that the princeſs, courted by Henry, was called Marjory.

† The articles here mentioned, are all contained in the treaty of Falaiſe, in Henry the Second's time, an account of which is given above, p. 99.

biſhop of Carliſle; requiring them to uſe their utmoſt diligence, to engage the king of Scotland to perform, what he owed, to his brother of England. Alexander II. K. of Scotland. 1235.

In the progreſs of the year wherein theſe bulls were iſſued, Alexander was ſucceſsful in ſuppreſſing a rebellion in Galloway, which had ariſen the year before, in conſequence of the death of Alan, the powerful lord of that region. The fierce inhabitants choſe rather to become ſubject to a baſtard-ſon of their late lord, than to have their country divided amongſt his three legitimate daughters, or their huſbands; whoſe juſt claim Alexander ſupported by his authority. But his commands being deſpiſed by the Galwegians, who were joined by many from Ireland and the Iſle of Man, the king led in perſon an army againſt them; and, though attacked in a dangerous ſituation, repelled, and totally routed the rebels. The baſtard, having eſcaped from this battle, fled into Ireland; and failed in a new attempt, by an invaſion from thence, to make good his claims; for as ſoon as it was known, that he, accompanied with his friend Gilrodh, had landed in Galloway, Patrick earl of March, at the head of his army, together with Adam, abbot of Mailros, and Gillibert, a monk of that convent, who was lately made biſhop of Galloway, moved to the frontiers of that province. Their friendſhip for Alan, the late lord, carrying them to wiſh well to his ſon, they deſired Gilrodh to chuſe, whither he would ſubmit to the king, or fight the earl's army. Gilrodh, perſuaded of the ſuperior ſtrength on the earl's ſide, agreed to ſurrender himſelf, and, by the appointment of the king, remained for ſome time the earl's priſoner. The baſtard, thus deprived of council and aid, was obliged to throw himſelf on the mercy of the king; who, after detaining him a ſhort time priſoner in Edinburgh caſtle, ſet him free ‡. As by theſe ſucceſſes the king of Scotland reſtored the domeſtic quiet of his kingdom, ſo he farther ſtrengthened his intereſt in England, by giving his ſiſter Marjory § in marriage to Gilbert earl of Pembroke,

Chron. Mailr. Mat. Paris, p. 363.

Chron. Mailr.

‡ The victory gained by Alexander over the Galwegians, is placed by the Chron. Mailr. in the end of July 1235; but by Mat. Paris, in April 1236. Matthew makes no mention of the invaſion from Ireland, which, according to the Chronicle, happened after the victory gained by the king. Perhaps the quaſhing of this invaſion happened at the time in which Matthew places the king's victory. The ally and chief ſupport of the baſtard in this war was, according to Matthew, Hugh de Laſey, whoſe daughter Alan of Galloway had married. The daughters of the late lord were married to Roger de Quinci, earl of Wincheſter, John de Baliol, and William, ſon to the earl of Albemarle; among whom the lands of Galloway were divided. By this diviſion, the power of the king was increaſed; and the juſtice done by him to theſe lords, ſerved to increaſe his intereſt in England. Matt. Paris, in relating this affair, makes no mention of any claim of ſuperiority over Galloway, by the Engliſh king. Roger de Quinci, in conſequence of marrying Helen, Alan of Galloway's eldeſt daughter, ſucceeded to her father's office, as conſtable of Scotland.

§ The ſame lady, who, four years before, was courted by king Henry, was now given in marriage to Gilbert, the brother and heir of Richard earl Marſhal, who had diſappointed her match with the king. According to the Chronicle of Dunſtaple, quoted by Dugdale, Gilbert received with Marjory more than 10,000 merks [this is not probable] for her portion, beſides a noble dowry in Scotland. Alexander, and the nobles of his kingdom, were preſent at the marriage; and the Earl Marſhal was accompanied by many of the nobles of England. Matt. Paris calls her *Puella elegantiſſima*, and mentions the league and affinity of Alexander with the Earl Marſhal, as one of the circumſtances that encouraged him to demand, as he now did, the delivery of Northumberland. Gilbert had great poſſeſſions in England, Ireland, and Wales, in which he ſucceeded his brother Richard; who, after having been ſome time in rebellion againſt the king, was treacherouſly ſlain

Henry III. K. of England.

Pembroke, and Earl Marſhal of England; who came to Berwick to receive his bride, and celebrate his nuptials. Encouraged by theſe proſperous circumſtances, inſtead of ſubmitting to the king of England's claim of ſovereignty, he ſent ambaſſadors, in the ſpring of the following year, to Henry, while holding his parliament at London, to demand the delivery of Northumberland, Cumberland, and Weſtmoreland ‖, which he claimed as rights of inheritance, and alleged, that king John had engaged to reſtore them in dowry with his daughter.

1235. Aug. 1. A. D. 1236.

A definitive anſwer to this demand was at that time delayed: but Alexander ſtill inſiſting, and even proceeding to menaces of aſſerting his juſt claim by the ſword, the king of England, by the advice of his nobles, reſolved to hold a conference with him at York, for the ſake of adjuſting the matters in diſpute, and preventing an open rupture *. After much litigation, the king of England, for the love of peace, and for ſecuring the aid of Alexander, to defend the kingdom of England when occaſion ſhould require, made him an offer of lands of eighty merks annual revenue, in ſome other place of England; that the northern border of that kingdom might not ſuffer mutilation. But it requiring time to fix the ſituation of theſe lands, and to ſettle the matter to the content of all parties, the final determination of it was adjourned, and peace, in the mean time, kept on both ſides †.

Mat. Paris, 365. Sept.

The marriage ‡ of Henry with Eleanor of Provence, which happened in the begin-

in Ireland in 1234. Other circumſtances mentioned here by Matt. Paris, as encouraging Alexander to revive his claim of Northumberland, were the inſincere, and ever ſuſpected, concord of Henry with Lewellin, and the enmity of foreign rivals, always lying in wait to annoy him.

‖ Matt. Paris mentions only Northumberland, as now demanded by Alexander; but the agreement between the kings, in the following year, in preſence of the legate Otho, which is a better authority, mentions alſo Cumberland and Weſtmoreland. This agreement alſo ſays, that Alexander demanded theſe counties, without mentioning any other claim than his right of inheritance. Matt. Paris repreſents the demand of Northumberland, as founded only on John's granting it in dowry with his daughter. It is not improbable, that, in making the demand, theſe two grounds of claim were united.

* According to Chr. Mailr. and Fordun, this conference was held at Newcaſtle. The latter ſays, The kings met there after Mary's nativity (Sept. 8.), that they continued there three days, and that the queen of Scotland was preſent. Both theſe authors are quite ſilent about the particular ſubjects of their conference. Fordun only ſays, It was *de utriuſque regni pace et arduis negotiis.* Ford. l. 9. c. 52. Chr. Mailr. ad Ann.

Rymer, i. 370.

† At this meeting, the king of England, with a view, probably, of ſoftening Alexander, made a grant to his ſiſter of the manor of Dryffeld. Dugdale, vol. i. p. 64. ſays, That William de Fortibus, the third of that name, earl of Albemarle, having married Chriſtian, daughter and co-heir to Alan of Galloway, Henry granted to him and her the manors of Thingden, in Northamptonſhire, and Dryffeld, in Yorkſhire, in exchange for what belonged to her, as part of the inheritance devolved to her by the death of John Scot, the laſt earl of Cheſter. The authority he quotes for this, is the Cloſe Rolls of the 25th of Henry, that is 1240 and 1241; and the queen of Scotland died in 1238, March 4. It farther appears from a deed of Rymer, vol. i. p. 379, that Henry, on the 21ſt of February, before his ſiſter died, granted her a power to diſpoſe of Dryffeld, by her teſtament, for two years, ſucceeding the Michaelmas after her death (i. e. in 1238); ſo that, at Michaelmas 1240, it returned into the hands of the king; and he might diſpoſe of it in the manner Dugdale's Authorities repreſent.

12 Dec. Rymer, i. 348.

‡ The king and queen of Scotland were invited to be preſent at this marriage. The perſons appointed to conduct them on that occaſion from the borders, to Henry's court, were the archbiſhop

beginning of this year, brought him under the influence of a new ſet of favourites; the relations and countrymen of this queen; at the head of whom was William of Savoy, biſhop-elect of Valence. The reſentment of the Engliſh barons was ſoon provoked to an extreme degree, by the inſolence and rapacity of thoſe foreigners; who, for their protection, had recourſe to the paramount power which the Pope ſtill maintained in England. Henry had alſo recourſe to the ſame power to ſupport him againſt his mutinous vaſſals; and, at his requeſt, Otho was ſent over legate to the kingdoms of England, Scotland, and Ireland. About the ſame time, a bull was alſo addreſſed to king Alexander, blaming that prince for failure in duty, and breaches of his oath of fealty to Henry; whom, as a ſpecial ſon of the apoſtolic ſee, the holy Father loved with a paternal affection, and now exhorted Alexander to a more exact obſervation of what he owed to Henry; as he would wiſh to merit the good-will both of that prince, and of his father the Pope §.

Alexander II. K. of Scotland, 1236.

A. D. 1237. April 27. Rym. i. 371.

To enforce theſe exhortations, and to compoſe all matters in diſpute between the kings, Otho preſided in a conference they held at York, a ſhort time after his arrival. At this conference, the king of Scotland renewed his demand from the king of England, of the counties of Northumberland, Cumberland, and Weſtmoreland, as his inheritance. The Scottiſh king farther alleged, That his father William had paid to John, the father of Henry, the ſum of 15,000 merks of ſilver, in conſideration of certain conditions, which had not been fulfilled on John's part; and that Henry himſelf had likewiſe failed in the execution of a treaty of marriage, to have been contracted between him and Marjory, ſiſter to king Alexander. In full ſatisfaction, and for the perpetual

Rym. i. 374. Ryl. Plac. Parl. 161, 165.

See above, p. 118.

See above, p. 129.

biſhop of York, the biſhop of Durham, William de Veſey, Gilbert de Umfraville, Roger Bertram, John de Veteriponde (Vepont), and John, the ſon of Geoffrey, ſheriff of York. The king, in his letter to the archbiſhop of York, directing him, and the others mentioned, to attend the Scottiſh king and queen, ſays, That he knew they would, by no means, come to him, nor was it fit that they ſhould without a ſolemn conduct. In the 24th and 25th of February following, letters were written to the king and queen of Scotland, notifying to them the marriage that Henry had, with conſent of his nobles, agreed to between his ſiſter Iſabella, and the emperor Frederick. It hence appears, that Alexander and his queen had either not gone into England, at the time of Henry's marriage, or made a ſhort ſtay.

Rymer, i. 356.

§ About this time Richard, ſirnamed the Poor, biſhop of Durham, dying (15th April), the monks, without conſulting the king, made choice of their prior, Thomas de Melſanby, to fill the vacant ſee. The king objected, that the perſon choſen was an enemy of himſelf and his kingdom; becauſe he had before been prior of Coldingham, and had ſworn fealty to the king of Scotland: and that there was a peculiar danger, from the biſhop of Durham's being ill-affected to himſelf, or a friend to the Scottiſh king; that biſhop being poſſeſſed of places of great ſtrength, on the confines of Scotland, and being alſo maſter of a tract of ſea-coaſt, on which forces might be landed from France and Flanders, to the danger of the king and kingdom. Several other objections were made to Melſanby: but the monks inſiſting on their election, and the oppoſition of the king hindering their obtaining juſtice from the archbiſhop of York, they ſought redreſs at Rome; but their meſſengers dying on the road, and Melſanby himſelf being ſtopt, in attempting to croſs the ſea, he abandoned any farther proſecution of his claim, and reſigned the dignity, about three years after his election to it (A. D. 1240, 8th April). A few years after (viz. 1244), when the king came with an army to Newcaſtle, afraid, perhaps, of his reſentment, he likewiſe reſigned his office of prior, and retired to Fearn Iſland, at that time the retreat of an hermit, called Bartholomew, and ſpent the remainder of his life in pious auſterities and alms-giving. His dead body was carried to Durham, and buried among the biſhops, and ſeveral miracles were aſcribed to it. Whart. Ang. Sac. tom. i. p. 735, 736, 737.

extinction

Henry III. K. of England. 1237.

extinction of the above claims and challenges, and of all others, on the part of the Scottiſh king againſt the king of England, which preceded the Friday before the Michaelmas in the current year, it was now agreed, that Henry ſhould grant to Alexander, lands of two hundred pounds yearly rent *, within the counties of Northumberland and Cumberland, if lands of that value could be found in theſe counties, lying without the towns where caſtles ſtood; and if there ſhould be any deficiency, that it ſhould be made up by grounds conveniently ſituated, and lying neareſt to the counties above-ſaid. Theſe lands were to be held in demeſne, by Alexander and his heirs, of Henry and his heirs; the former delivering to the latter, in lieu of all demands, a falcon, at Carliſle, into the hands of the conſtable of the caſtle there, on the feaſt of the Aſſumption of Mary. Proviſion was made by other articles, of the moſt extenſive liberties to the Scottiſh kings, as proprietors of this diſtrict; and for the adminiſtration of juſtice in it, according to the Engliſh laws; but with a due regard to the property and power of the Scottiſh kings. Matters being thus ſettled, the king of Scotland paid homage, and ſwore fealty, for the lands above-mentioned, to the king of England †.

Mat. Paris, 377.

It is related by Matthew Paris, that when Otho, by virtue of his legatine commiſſion, which extended to Scotland, propoſed to king Alexander, at the conference of York, to viſit his kingdom, the king declared ſtrongly againſt it; alleging, that the legate's preſence there was wholly unneceſſary, all eccleſiaſtical matters being in good order; and, at the ſame time, deterring him from expoſing his perſon to the ferocity of the inhabitants of Scotland; which

* The reaſons that may be aſſigned for Alexander's quitting his claim to the three northern counties, for ſo unequal and trivial a conſideration, are the formidable power of the ſee of Rome, exerted on behalf of the kingdom of England, which the Pope did at that time claim, and treat as his own; the influence of Alexander's Engliſh queen, and of his great relations and friends in England; and perhaps the failure of theſe Engliſh nobles, on whoſe aid Alexander had depended, but who, when the matter was brought to a criſis, were unwilling that their native country ſhould be diſmembered of ſo large a territory.

† It was agreed, that the writings and inſtruments, reſpecting the above-ſaid marriages and conventions, that had been drawn up by John and Henry, kings of England, or by William and Alexander, kings of Scotland, ſhould be reciprocally delivered up; with a ſalvo, that if theſe inſtruments contained any articles not relating to the preſent negociation, but in themſelves beneficial to either kingdom, ſuch articles ſhould be confirmed by new deeds of the kings. Moreover, if any charters could be found, relating to the above-ſaid counties, they were to be reſtored to the Engliſh king. And if any inſtruments, relating to the conventions and counties, ſhould be afterwards found, that were not now reſtored, it was declared they ſhould be held as void.

W. earl of Warren, and Walter Cumyn, earl of Monteith, according to the faſhion of theſe times, ſwore to the obſervation of this treaty; each of them upon the ſoul of his maſter, and by his command. Moreover, the king of Scotland made earl Malcolm, the earl of Monteith, Walter ſon of Alan, Walter Olifard, Bernard Fraſer, Henry de Baliol, Gilbert Mareſhal earl of Pembroke, H. earl of Hereford, David Cumyn, David Marſhal, Thomas ſon of Ralph, William de Port, John de Baliol, and Henry de Haſting, to give their oaths for obſerving the peace, in the form of letters patent, delivered to the king of England. Finally, the king and theſe barons ſubjected themſelves to the juriſdiction and canonical cenſures of the Pope, in caſe of their contravening their oaths; and for that purpoſe they agreed to addreſs a joint letter to the Holy Father, requeſting him, to commit his powers for that effect to any of the ſuffragans of the archbiſhop of Canterbury, whom both parties ſhould approve of. Such a letter doth accordingly immediately follow the convention in Rymer. The reaſon of ſoliciting the delegation of the pontifical power in this matter, to ſome ſuffragan of the archbiſhop of Canterbury, was, probably, that no countenance might be given to the archbiſhop of York's claim of primacy over Scotland. The witneſſes ſubſcribing this convention, are forty-four in number, conſiſting of biſhops, nobility, and gentry in both kingdoms.

the

Alexander II. K. of Scotland.

the king could not undertake to reſtrain, and which had lately threatened his own expulſion from the kingdom. Whatever weight theſe remonſtrances had with the legate, it is certain that he did not enter into Scotland, till two years after *, and then he confined his viſit to the ſouthern part of the kingdom. Being at Melroſe in the eve of St. Denis, he obliged Herbert the abbot of Kelſo, who, without any good reaſon, had laid down his charge, to reſume it. He held a council at Edinburgh, and ſoon after returned to England, carrying off with him a conſiderable ſum of money †.

1237. Mat. Paris, 422. Chr. Mailr. 204. Ford. l. 9. c. 54. Sept. 21ſt. Chron. Mailr. Oct. 19th.

The queen of Scotland, who accompanied her huſband to York, did not return with him; but having gone a pilgrimage to Canterbury, with Eleanor, Henry's young queen, ſpent the winter in England, and was ſeized there with an illneſs, of which ſhe died in the beginning of March. Alexander had no children by her; and in the following year, took for his ſecond wife Mary, the daughter of Ingelram de Couci, a French nobleman, to whom he was married at Roxburgh. This lady more than two years after, brought forth, at the ſame place, a ſon, who bore his father's name, and ſucceeded him in the kingdom.

A. D. 1238.

March 4th. Chr. Mail. A. D. 1239. May 15. A. D. 1242. Sept. 4.

A. D. 1242.

In the following year, Henry, by the inſtigation of the Count de la Marche, paſſed over into Guienne, and entered into a war with the French king, which was equally inglorious and unſucceſsful to Henry, and was terminated in the following ſpring by a truce for five years. As a preparation for this foreign expedition of Henry, care was taken to ſecure the friendſhip of the king of Scotland. With which view, the biſhop of Durham ‡ was empowered to aſſign to him lands in England, of the value agreed on, more than four years before at

* According to Matthew Paris, Alexander renewed his oppoſition to the legate, when about to enter his kingdom at this time, and would not permit it; until an obligation was drawn up, importing that the king's allowing at preſent his entrance ſhould not be drawn into an example, for claiming the like licence for the future. This obligation Otho was to ſubſcribe before he left Scotland; but the king retiring to the other ſide of the Firth, while the legate remained in his kingdom, as chuſing to give as little countenance as poſſible to his preſence there, the legate ſtole away to England, and carried off with him the writing unſubſcribed. Matthew Paris ſeems to have a pleaſure in comparing, the ſpirited oppoſition made to the legate by Alexander, to the ſervility with which Henry ſubmitted to him in all things: but his relation of what was ſaid to Otho by the king of Scotland, is ſomewhat diſcredited by his making that prince ſay, that no legation from the papal ſee had, in any former time, entered his kingdom. For in Alexander's reign, a papal legate had held a council at Perth in 1221, as another had done in the reign of his father, A. D. 1200. It is worthy obſervation, that Matthew Paris, expreſſing Otho's confining his viſit to the ſouth of Scotland, ſays, he did not paſs the ſea, meaning the Firth of Forth, uſually then called *Mare Scoticum*, and that he lodged in the good towns of this ſide the ſea *(in bonis civitatibus ciſmarinis)*. Fordun or the Chron. Mailr. make no mention of any oppoſition on the part of the king to Otho's entering his kingdom.

† In the year 1240, the bones of the abbots of Melroſe, that lay in the entrance of the Chapter-Houſe, were taken up, and more decently buried in the eaſtern part of the ſame Chapter-Houſe; all excepting the bones of St. Waltheve, whoſe ſepulchre was opened, and his body found at laſt crumbled into duſt. So much more honeſty, or leſs art, had the monks of Melroſe than thoſe of Durham! Thoſe who were preſent carried off ſome of the ſmall bones, leaving the reſt to repoſe in peace. One of the company was William, ſon to the earl of Dunbar, (he is called ſimply *filius comitis*,) and nephew to the king, a knight of good fame. He begged and obtained a tooth of the ſaint, by which, as he afterwards gave out, many cures were wrought on the ſick.

‡ This biſhop of Durham was Nicholas de Farneham, who had been the king's phyſician, and was elected to that ſee in the preceding year.

York.

Henry III. K. of England.

1242.

Rym. tom. i. 400.
Ryley Plac. Parl. p. 164.
Mat. Paris. p. 517.
Ford. l. 9. c. 59, 60, 61.

Mat. Paris, p. 519, 520.
Chr. Mailr.

York. Theſe were the manors of Penrith and Sowerby in Cumberland *. The ſame prelate negociated a marriage between Alexander the heir of the Scottiſh king, and Margaret daughter of the king of England, at that time both infants: and as a farther mark of confidence, the northern provinces of England, were, during the abſence of Henry, intruſted to the guardianſhip of Alexander.

About this time, a great diſturbance aroſe in Scotland, from a cruel murder committed at Haddington, during the celebration of a tournament there. Patrick earl of Athol, with ſeveral of his friends and family, were burnt to death by a fire ſet to his lodgings in the night. This was aſcribed to the Biſſets, a powerful family in the neighbourhood of Athol, who had been at enmity with the earl, and though not preſent at the tournament †, had employed ſome of their dependents to perpetrate this horrid deed. The king endeavoured to bring the matter to a regular trial; but the prejudice and combination of the Cumings and other nobles againſt the Biſſets, was ſo ſtrong, that the latter were obliged to abandon their country and eſtates, and to ſwear to ſpend the reſidue of their lives in the Holy Land, as pilgrims, for the benefit of the ſoul of the murdered earl. Inſtead, however, of fulfilling their oath, they retired into Ireland; and Walter going to the Engliſh court, complained to Henry of the cruel ſufferings which he and his relations had undergone, from the fury of the Scottiſh nobles and the weakneſs of the king; accompanying theſe complaints with flattering allegations, that Alexander had no right to condemn perſons of their rank ‡, without the conſent of Henry his ſuperior lord.

About the ſame time, Walter Cumin and ſome other of the Scottiſh nobles, fortified two caſtles, to the prejudice of the king of England, and contrary to the charters of their predeceſſors, one on the eaſtern and the other on the weſtern march. Certain rebels and fugitive enemies § of the Engliſh king, were alſo harboured in Scotland. And when Henry found fault with theſe proceedings, as violations of the duty that Alexander owed to him as his

* This appears from the account in Ryley, of the ſeaſin of theſe places, ordered to be given by Edward I. in the twenty-firſt parl. of his reign, to John Baliol, as heir of the late king of Scotland. He obtained ſeaſin, at the ſame time, of Tendale, and a proportional part of the earldom of Huntingdon, but he claimed theſe by a different title.

† This is Fordun's account; but according to Matthew Paris, Walter Biſſet, was foiled at the tournament by the earl, and did, in reſentment, ſet on fire a barn where the earl and ſome of his friends ſlept.

‡ The high rank of Walter Biſſet, appears from Alan lord of Galloway giving him his ſiſter in marriage, A. D. 1233. Patrick earl of Athol, being the ſon of Thomas of Galloway, Alan's brother, was of conſequence nephew to Biſſet's wife. Chron. Mailr. And. Ind. N. N. at And. Dipl.

§ Matthew Paris ſays, that Biſſet informed Henry, of Alexander's reſetting and protecting Geffrey, the father of William de Moriſco, which latter was a famous pirate, who had long ſheltered himſelf in the Iſle of Lundy, in the Severn channel, but was about this time apprehended and hanged. His father who lived in Ireland, and was afraid of ſharing his ſon's fate, fled to Scotland. Mat. Paris, 518, 520.

To the wicked arts of Biſſet, the Chronicle of Melroſe chiefly aſcribes the expedition of Henry towards Scotland. He calls him *nefandiſſimus proditor*. John abbot of Peterburgh uſes the ſame words.

ſuperior,

ſuperior, Alexander boldly declared, that he neither did, nor would, nor ought to hold, from the king of England, even the ſmalleſt part of his kingdom of Scotland. Theſe irritations ſucceeding the great decay of friendſhip between the kings, that had ariſen ſince Alexander's French match, inſpired Henry with a reſolution of invading Scotland. For this purpoſe, he led all the forces of his kingdom to Newcaſtle; while, on the other hand, the king of Scotland fortified his border caſtles, and aſſembling a very numerous army, entered England; through which he advanced as far as to *Ponteland* *, within a few miles of the Engliſh. The Scots had all confeſſed themſelves, and animated by the exhortations of their preachers, did not fear to die in defence of the juſt rights of their country †. But Richard earl of Cornwall, the archbiſhop of York, and other nobles, moved by a deſire of preventing the effuſion of chriſtian blood, and by their friendſhip to the king of Scotland, who was a prince much beloved by both nations ‡, undertook the good work of mediating a peace. Their endeavours were ſucceſsful, and for the ſatisfaction of Henry, Alexander gave a charter, in which he promiſed for himſelf and his heirs, to maintain fidelity and affection to Henry his liege-lord and his heirs, and never to enter into league with any of their enemies § for making war upon any of their dominions, unleſs in caſe of ſuffering unjuſt oppreſſion: it being alſo underſtood, that the treaty concluded between the kings at York in 1237, in the preſence of the legate Otho, as alſo the convention for a marriage between the ſon of king Alexander and the daughter of king Henry, were to continue in force. This conceſſion and promiſe was confirmed by the oaths ‖ of certain of Alexander's nobles, appointed to ſwear to it on the ſoul of their maſter. The reſt of the nobles ſwore to procure with all their might the obſervation of it by their ſovereign, and to give him no aid in infringing it; and in caſe of its being infringed, both he and they ſubjected themſelves, as before at York, to the cenſures of the Pope.

Alexander II. K. of Scotland.

A. D. 1244.

Ford. l. 9. c. 61. Chr. Mail.

Rym. tom. i. Mat Paris, p. 568, 569.

Mat. Paris, p. 569.

The peace thus reſtored between the kings continued undiſturbed during the five remaining years of the life of king Alexander. In that period, was held the famous council of Lyons, which ſeconded Pope Innocent in all his

* Fordun underſtood this to be Pentland; but that Chr. Mailr. means a place in England, is evident from the word uſed in that Chronicle to expreſs Alexander's return, *repatriavit*.

† In Henry's army, according to Matthew Paris, were 5000 horſe completely and finely armed, of foot, he ſays, there was a very ſtrong and numerous body, but does not give the number. In the king of Scotland's army, were 1000 armed horſemen, mounted on good enough horſes, although not Spaniſh, Italian, or others of great price, and competently provided with armour of iron or net work. His foot were about 100,000. Theſe forces he obtained, according to Mat. Paris, *a magnatibus affinibus et confinibus*, and again, *a multis optimatibus et potentibus*. Mat. Paris, 563.

‡ *Et merito*, ſays Matthew Paris, as being *vir bonus, juſtus, pius, et dapſilis*.

§ From this clauſe it appears, that Henry's chief quarrel with Alexander, was the latter's friendly correſpondence with the enemies of the former in France; of which Alexander's father-in-law Engelram de Couci was one. Engelram died a little before Henry's expedition; but his ſon John, ſent to his brother-in-law king Alexander an aid of forces; which being met at ſea by ſome of Henry's ſhips, were driven back to their own country. Mat. Paris, 562.

‖ The oath on the ſoul of the Scottiſh king, was ſworn by four of his nobles and as many prelates. The oath to procure the obſervation of the charter, was ſworn by the ſame four prelates, and twenty-four barons; in the liſt of theſe barons, the firſt is Patrick earl of Dunbar.

Henry III. K. of England. A. D. 1248.

violent proceedings againſt the Emperor Frederick II. At that council alſo a new croiſade was decreed for recovering the Holy Land out of the hands of the Tartars. This croiſade was every where preached up with the greateſt zeal; while the court of Rome carried on the traffick it had been long accuſtomed to make of thoſe expeditions. Louis IX. intitled the Saint, king of France, put himſelf at the head of a great band of adventurers of his own and other nations. Among the reſt of his noble followers, was Patrick earl of Dunbar; who died on the journey. In the year following king Alexander died, while on an expedition to quiet ſome commotions in the Weſt Highlands; and his body was, agreeably to his own orders, interred with royal honours in the church of Melroſe.

Chr. Mailr. A. D. 1249. July 8th.

April 14th.

About three months before Alexander's death, a meeting was held on the marches of England and Scotland; for aſcertaining the laws of thoſe marches, and enforcing their obſervation. This work was committed to twelve * knights of each kingdom, under the direction of the ſheriff of Northumberland, for the king of England, and of the ſheriffs of Roxburgh and Berwick, for the king of Scotland; by which ſheriffs the twenty-four knights were ſworn, to make a faithful inqueſt and report, concerning the laws and cuſtoms that regulated the intercourſe between the inhabitants on each ſide of the limit between the kingdoms. The articles returned by this jury, as they contain the moſt ancient account that now remaineth of the border laws and cuſtoms are ſubjoined, as worthy of attention; and the ſubſtance of them is as follows:

Nicholſon's Border-laws, p. 2. Places for ſingle combat.

I. † The firſt article is, That any ſubject of Scotland accuſed of committing in England, homicide, or any other crime ‡ that ought to be tried by ſingle combat, ſhall not be obliged to anſwer in any other place but on the marches of the two kingdoms: and in this article, the places for the trial of theſe crimes are fixed §.

Who might be called to combat.

II. In the next place, it was declared, That all who dwelt between Totneſs in England and Caithneſs in Scotland, might, agreeably to the cuſtoms of the

* The names of the Engliſh knights were, Robert de Clifford, Robert ſon of Ralph, Robert Maleſante, Robert de Ulfeſter, William de Burnville, William de Siremeſton, William de Hermanſton (alias Herington), Robert de Glendale (alias Glenſdine), Sampſon de Coupland, William de Cookperte, Henry ſon of Godfrid (a).—The Scottiſh knights were Adam de Earth, Ralph de Boukle (perhaps Bonkle), William de Northinton (alias Morthinton, perhaps Mordington), Robert Bernham mayor of Berwick, Adam de Morham (alias Norham), Henry ſon of Waldeve, Henry de Brade, Richard Holkerton (alias Halkerſton), Robert de Durham, Aymar de Emſley, Adam (alias Alan) de Newbiggin.

There are only eleven knights of each kingdom in the foregoing liſt, from Dr. Nicholſon's border laws. The ſheriff of Northumberland, it may be ſuppoſed, made the twelfth in the Engliſh liſt; and the ſheriff of Roxburgh or Berwick the twelfth in the Scottiſh.

† The author had the peruſal of a MS. copy of theſe laws from the Advocates library in Edinburgh, which differs conſiderably from the copy of them publiſhed by Dr. Nicholſon.

‡ In MS. robbery, theft, homicide, or any other crime.

§ If the defendant dwelt above Redam, he was to anſwer at Riding Burn. But Reedſdale and Cookdale were to anſwer at Campaſpeth, agreeably to the laws and cuſtoms uſed between the kingdoms.

(a) In an Engliſh (or Scottiſh) tranſlation of thoſe laws, in the library of the Advocates at Edinburgh, this perſon is called Hendrie Jafreſon of Porſeweek.

ſaid kingdoms, be juſtly called to the marches, to decide their quarrels by combat; excepting the perſons of the kings themſelves, and of the biſhops of St. Andrews and Dunkeld (*a*).

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1249.

(*a*) Perhaps Durham.

III. It was farther unanimouſly declared, That if any vaſſal or bondſman in Scotland, ſhould, with or without his goods, fly into England with the intention of eſcaping from his lord; and if within forty-two days after, he ſhould be purſued by his lord or his lord's bailiff, the fugitive ſhould be brought back to Scotland, on the oath of the purſuer, without any oppoſition from the Engliſh; the ſame being underſtood to hold with regard to fugitives from England. But if the fugitive was not purſued before forty-two days were elapſed, his lord could not recover him, without a brief from the ſovereign of the kingdom where he remained: and on his being diſcovered *there* *, after the expiration of forty-two days †, his lord might ſeize him, upon giving his own oath, accompanied with the oath of ſix others.

Methods of recovering fugitive vaſſals or bondſmen.

IV. Moreover, it was found, That if any of the rank of a bondſman ‡, of the one kingdom had delivered pledges for a debt he owed in the other, he might *recover theſe pledges* within thrice fifteen days, *upon finding ſureties for payment, one out of each kingdom* §, and paying the ſum itſelf within the fifteen days immediately following. But if the ſum was not then paid, the creditor might ſeize the pledge of his debtor, and detain it, until he received full ſatisfaction for the debt owing him. But if the debtor denied his debt, he was obliged to purge himſelf of it on the marches, within the firſt ſucceeding fifteen days, by the oaths of ſeven ‖, his own included. And this was alſo to be underſtood of the ſurety, when the creditor could not be found. But if he confeſſed his debt, and had no goods wherewith to pay it, he was obliged to declare himſelf not poſſeſſed of goods exceeding the value of five ſhillings and four pence; and muſt farther ſwear, that he will pay the ſaid debt, as he may be able to acquire or gain the means of paying it, reſerving only his own ſuſtenance.

Method of recovering debts. Statute of Rob. I. c. 11. ordains, that poynds ſhall not be ſold within forty days from the day of taking them.

V. In the next place, they found, That all claimants on either ſide, ſhould in perſon give their oaths in ſupport of their claims, with the exception only of the two kings and their heirs, and the biſhops of St. Andrews and Dunkeld. The perſon who ought to ſwear in place of the king of England, was his ſtandard-bearer and the conſtable of his army. On the other hand, the prieſt of Wedale ** was to ſwear for the king of Scotland, and biſhop of St. Andrews, and the prior of the Iſle ††, for the biſhop of Dunkeld.

Oaths to be given by claimants in perſon.

VI. It

* *In regno ex quo exiverit* (in printed copy); in MS. *regno, in quo extiterit.*

† An exception is made, *niſi fuerit nativus* (not tranſlated). Does it mean, that theſe oaths were unneceſſary, where the fugitive was a bondſman?

‡ *Si nativus aliquis. Nativus* is here rendered according to its uſual ſignification in the laws and deeds of that time; but *native* ſeems to be the juſter ſenſe.

§ *Namos ſuos replegiabit per inbrocht wood et utbrocht wood,* (MS. wed;) wed is ſurety. *Inbrocht et utbrocht nativos et extraneos.* Not. in Nicholſ.

‖ *Cum ſeptima manu.* This interpretation is given upon a preſumption, that the meaning is the ſame here, with what is more fully expreſſed in the concluſion of the former article, by theſe words, *per juramentum ſex virorum, et ſe ſeptimo, et per ſacramentum ſex virorum, et ſe ſeptimo.* In Art. 8.

** Wedale (*Vallis doloris*, Ford.) is the ſame with Stow, (ſo Mill in deſcription of Melroſe).

†† *Prior de Inſula.* Probably of Lochlevin, where the convent was governed by a prior. The

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In cauſes of life, &c. no deputation to ſwear without conſent of both parties. Rules to be obſerved on failure of parties by death or otherwiſe.

VI. It was farther declared, That no other perſon beſides theſe, had a right to *depute another* *, to ſwear for him in any quarrel touching life or limb, unleſs ſuch a deputation was made with conſent of both parties; but *without this conſent*, the failure of either in appearing in perſon to give his oath †, loſt him his cauſe for ever.

VII. The next found, That if there were any plea on the marches between a plaintiff and defendant that affected life or limbs and if the defendant happened to die within the fifteen days preceding the day of trial, his body ſhould be carried to the marches at the time, and to the place appointed between the parties; becauſe *no man can be eſſoigned by death*. Again, when the appellant delayed his appearance beyond the appointed day, the defendant ‡ ought to paſs to the marches and to obtain an atteſtation § from three barons, witneſſing that he had regularly made his appearance on the day prefixed; and this being atteſted by them, he was to be, in all time coming, free from challenge in that caſe: but if any or all of theſe barons refuſed to give teſtimony of the above fact, he might oblige them to decide the truth of this charge by a combat: and the ſame rule was to hold with regard to the appellant.

Stolen goods to be ſued for in the lords court, on whoſe lands they were found.

VIII. It was alſo found, That if any Scottiſh robber ſtole in England an horſe, oxen, or cows, or any other thing, and carried the goods ſtolen into Scotland, the perſon whoſe property they were, wherever he diſcovered them, might appear in the court ‖ of the lords in whoſe lands he found the ſtolen goods, and ſhould there recover them by his own oath and the oaths of ſix perſons beſides; unleſs the perſon poſſeſſing the goods, affirms them to be his own, in which caſe the queſtion muſt be decided by a combat on the marches.

Rules about ſureties in caſes of combat.

IX. The next article fixed was, That in any trial on the marches that affected life or limb, as for robbery, theft, or murder, where the defendant was convicted by the iſſue of a combat, his ſureties ought not to be anſwerable for a greater ſum than the plaintiff mentioned in his charge. But ** if the perſon accuſed was convicted of ſlaying a man, and his ſureties were dead, he †† was obliged to make good the forfeiture; if his own money, and that of his ſureties, together with the produce of their corns expoſed to ſale, were ſufficient for that purpoſe (*a*): and if the ſureties were not dead, and the accuſed was convicted by combat, all the goods he poſſeſſed at the time of attacking him, ought to incur forfeiture to the purſuer. But ‡‡ all ſuch perſons ought to

(*a*) The lives of different ranks of men were at that time appretiated.

head of the convent at Inchcolm was an abbot. (Spotſw. 236, 237.) If, inſtead of Dunkeld, Durham is to be read, the prior *de Inſula* will be the prior of Holy Iſland.

* *Facere Attornatum.* † *Ita pro uno ſolo defectu.*

‡ The word *defendant* is not in the original; but the ſenſe ſeems neceſſarily to require its being underſtood.

§ *Accipere manum de Wardſheill*; Wardſheill (MS. Hame Wardſheil), I do not underſtand. This ſeventh is a very obſcure article, and it is doubtful if the tranſlation expreſſes its exact meaning.

‖ From this, it is probable there were not at that time any Warden-courts.

** From this to the end of the article, from the MS. in the Advocates library.

†† *Reſpondebit die de mantoplen.* The learned Sir James Foulis of Collington has given the editor the following probable meaning of the word *mantoplen*. 'I take *Mantoplen* to be a contraction for *manto plenitudine*, a barbarous law term to expreſs the full time of waiting. *Manto* is a contracted word for *manſito* the frequentative of *maneo*. So, *reſpondebit die manto plenitudine*, is, that he ſhall anſwer when the full time of waiting is expired, that is, when the legal term comes.

‡‡ *Debent ſe purgare tanquam exeuntes de carcere quibus plegius defuerit.*

purge themſelves in the ſame manner, as thoſe who, having no ſureties, are ſuffered to go out of priſon.

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X. It was next declared, That if a malefactor, paſſing from one diſtrict or province of the kingdom into which he had entered, into another, deſired to obtain protection *, he ſhould receive it from thoſe having power to grant it, viz. from the ſheriff of the county into which he had entered; and if he could not find the ſheriff, he might obtain peace at the firſt church, by ringing the bells, and ſhould remain in peace there, until protection was granted by the ſheriff. But if before thus obtaining his peace he was attacked, he might be brought back without any oppoſition.

Method of obtaining peace or protection, on paſſing from one place to another.

XI. It was farther agreed, That if any inhabitant of either kingdom affirmed, in oppoſition to a claimant of the other, that a horſe, ox, cow, or hog, in his poſſeſſion, was his own, he ſhould have the uſual reſpite of days eſtabliſhed between the kingdoms †, before the matter was brought to a trial. And on the day fixed for that, if he choſe to avoid a combat, and knew that the thing was not his own, he was obliged to bring it to the marches, and inform the oppoſite party that he was ſatisfied upon inquiry, that the horſe, &c. was the property of that party, and after this declaration he was bound to drive it into the water of Tweed or Eſk; and the defendant ſhould then be free from the claim or challenge brought againſt him. But if it was drowned before it reached the mid-ſtream ‡ of the water, the defendant ought, according to the cuſtom of the marches, to be ſtill anſwerable for it; and this extended to an ox, cow, or ſwine, or other things, only nothing was eſtabliſhed about a load §.

Combats about ſtolen goods.

Method of avoiding theſe combats.

XII. They farther agreed, That no inhabitant ‖ of either kingdom could prove his property in any thing poſſeſſed by an inhabitant of the other, by witneſſes, but ſolely by the body of a man **: whence many combats muſt needs enſue, from the ſtrifes that aroſe from time to time on the marches.

Property in goods ſtolen to be proved only by combat.

* *Habere voluerit pacem.* The article is, *Si aliquis malefactor exiſtens in una regione in altera parte* (MS. *alteram partem*), *regni in quo intravit, habere voluerit pacem, &c.* Perhaps, it may be underſtood of a malefactor paſſing over the march that divides the countries, from one kingdom to the other; and the ſenſe, according to this interpretation, ſeems better. Probably the text is corrupt.

† *Habebit dilationes omnes inter regna ſtatutas et ultimos dies litis.*

‡ So rendered in MS. tranſlation mentioned by Dr. Nicholſon.

§ *De ſarcina.*

‖ *Quod nullus de regno Angliæ poteſt probare aliquam rem, (aliquem reum* in printed copy), *de regno Scotiæ per teſtes (nec e converſo), niſi tantummodo per corpus hominis.*

** i. e. by his own body, or that of his champion in combat.

A combat of this kind on the marches, was called by a particular name *Aera.* In a remonſtrance of the clergy of England, preſented to the legate Otho in 1237, for procuring redreſs from the king of ſeveral encroachments on their liberties, they complain of an abuſe ariſing from an eſtabliſhment of the kings of England and Scotland; by which, not only ſimple clerks, but alſo abbots and priors in the dioceſe of Carliſle, when challenged for any thing by a ſubject of Scotland, or reciprocally, were compelled to fight with ſpears and ſwords, a combat called *Aera*, on the confines of the two kingdoms *(inter fores utriuſque regni)*. So that the abbot or prior, of whatever religion or order, was obliged either to a perſonal combat, or to have a champion to combat for him, and if this champion was defeated, the abbot or prior was to undergo capital puniſhment; of which there had been a recent inſtance in the prior of Lideley. The clergy ſupplicated the legate to admoniſh, or, if admonitions could not prevail, to employ his legatine authority, to compel the kings not to ſuffer ſo deteſtable an abuſe to be extended to eccleſiaſtical perſons.

Cowel's Law Dictionary *in voce.* Annal. Burton. 292.

XIII. They

Henry III. K. of England.

1249. How different ranks of men are to be purſued for debts.

XIII. They farther agreed, That any perſon in either kingdom purſuing for the recovery of a debt due to him in the other, ought, according to the laws of the marches, if the perſon indebted to him were a clerk, to *ſeek* ‡ *juſtice* from the clerks, if a knight from the knights, and if a burgeſs from the burgeſſes; by which claſſes alone judgment § is reſpectively to be given, where their brethren are concerned.

Magiſtrates in the country, and burghs have power to execute the above laws.

Finally they agreed, That the magiſtrates within and without ‖ burghs ſhould have power to diſtrain the inhabitants of each kingdom, in order to enforce the obſervation of the aforeſaid cuſtoms between the kingdoms.

Alexander III. K. of Scotland.

The Scottiſh nobles had taken care that their young king Alexander ſhould be crowned by the biſhop of St. Andrews, on the fifth day after the death of his father; but the diſorders that ſoon aroſe, from the ambition and outrages of theſe untamed chieftains, gave Scotland a taſte of the evils attending a ſovereign's minority; which that nation was beyond all others doomed to experience. The remedy for theſe diſorders reſolved upon for the preſent, and which the Scottiſh clergy are ſaid to have ſuggeſted, was to obtain the king of England's protection, and increaſe his aſcendant in Scottiſh affairs, by a fulfilment of the treaty concluded between Henry and the late Alexander king of Scotland, for a marriage between the heir of the latter and the eldeſt daughter of the former. With this view, ambaſſadors were ſent to the Engliſh court, and the motion was the more welcome to Henry, on the account of his having the year before taken the Croſs for an expedition to the Holy Land; on which expedition he was now determined ſoon to ſet out. The great debts in which his inattention and profuſion had involved him, the oppoſition made by his barons to every demand of new aids, and the diſtreſs which his clergy and people underwent, from the intolerable exorbitant oppreſſions of the court of Rome, made it extremely difficult for him to provide funds for his intended expedition. But theſe difficulties being in ſome degree overcome, it behoved him next to ſecure the peace of his dominions, during his abſence from them; and this could not be better effected on the ſide of Scotland, than by ſolemnizing the marriage long ſince agreed between his daughter Margaret and king Alexander.

Ford. l. 10. c. 4.

Mat. Paris, 715, 716.

In order to the celebration of theſe nuptials, Alexander, with a numerous retinue of nobles and knights, came to York, at Chriſtmas. He was received in that city by the king of England, accompanied by his queen and the royal bride, and by a very numerous and ſplendid aſſembly of the great men of his kingdom. There was alſo preſent Mary * the queen-dowager of Scotland; who had not long before paſſed through England, in her way to France, to viſit her friends and native country; and returned, to attend her ſon's marriage, with

‡ *Clericos inde monere* (MS. *namare*).

§ *Et de illis et non aliis judicari* (MS. *Sic de aliis & non alios judicari*).

‖ *In burgh et outburgh poteſtatem habebunt* MS. *in burgh et in Suthburgh*).

* Matthew Paris ſays, that the queen, in the right of a widow, enjoyed the third part of the royal revenue in Scotland (*proventuum regni Scotiæ*), amounting to more than 4000 merks, beſides other poſſeſſions which were given her by her father Engelram. A little before he calls her revenue in Scotland 7000 merks. Her riches enabled her to appear at her ſon's marriage with a pompous and numerous retinue. Mat. Paris, p. 715.

many

many nobles of that kingdom. Alexander, having received the enſigns of knighthood from the king of England, on Chriſtmas day, was, on the day following, married to the princeſs Margaret; and the ſucceeding holidays were, on this joyful occaſion, ſpent with extraordinary feſtivity. The king of Scotland having, at this time, paid † homage to Henry for the lands he held of him in England, it was propoſed that he ſhould alſo render fealty and homage for his kingdom of Scotland: but this was refuſed by the young king, who alleged ‡, that the object of his journey into England, was to cement peace between the two nations by a new tie of affinity, and not to treat of ſo arduous a queſtion, concerning which he had not the opportunity of deliberating with his nobles. Henry, unwilling to diſturb the joy of the marriage feſtival, by preſſing what was ſo diſagreeable to Alexander and his counſellors, did not for the time inſiſt farther on his demand.

Alexander III. K. of Scotland.

A. D. 1251. Rym tom. i. p. 466.

The young queen, accompanying her huſband to Scotland, had Engliſh attendants of both ſexes appointed her by her father, to take care of her perſon and education. The miniſters and counſellors of the young king were alſo changed, by the influence of Henry. The chief of theſe was Alan the porter (Oſtiarius) juſticiary of Scotland, who was married to the king's natural ſiſter, and was accuſed of a treacherous deſign on the crown, in ſoliciting at the court of Rome the legitimation of his wife or her daughters, that they might be capable of ſucceeding the king, if he ſhould die childleſs. The chief accuſers of Alan and his fellow counſellors were Walter Comyn earl of Monteith, and William earl of Mar. Some of the accuſed, not thinking themſelves ſafe at York, ſecretly withdrew to their own country; and a new appointment was made of guardians and miniſters for the young king; at the head of which was the earl of Monteith.

Mat. Paris, p. 717.

Ford. l. 10. c. 4, 5. Chr. Mailr. p. 219.

Although the king of England had bound himſelf, by his oath to the Pope, to ſet out for the Holy Land before Midſummer, yet ſuch troubles aroſe in his French territories of Guienne, from the tyranny and oppreſſion of their governor Simon de Montfort, as made the king's preſence, and the exertion of all his force, neceſſary in that quarter. But the accuſtomed difficulties he found at home, in obtaining ſufficient aids for his intended expedition, delayed his ſetting ſail till the end of the following ſummer. His ſucceſs after he arrived was ſpeedy and entire: his vaſſals were ſoon reduced to obedience, and Alphonſo, king of Caſtile, who pretended a right to ſome parts of Guienne, and had fomented the late diſorders, was changed from an enemy into a friend, by a marriage between Eleanor his ſiſter and prince Edward of England.

A. D. 1253. Auguſt 6.

A. D. 1254.

In this expedition to Guienne, Henry was followed by Alan, the Scottiſh baron beforementioned, who, by the courage he diſplayed in the king's ſervice, not only regained his favour, but obtained credit with him, in the

Chr. Mailr. p. 220.

† *Homagium, ratione tenementi quod tenet de domino rege Anglorum de regno ſcilicet Angliæ, Laudiano videlicet et reliquis terris.*" M. Paris, 716. No mention of this or of any homage in Fordun, or the Melroſe Chronicle.

‡ It would be much more proper to aſcribe this anſwer to Alexander's counſellors than to himſelf, who was at that time a child little more than ten years old.

recri-

Henry III. K. of England. 1254.

recriminations § he brought againſt the oppoſite faction, into whoſe hands the young king and queen of Scotland were put, after their marriage. Theſe recriminations were ſucceeded by the informations of others, and by complaints tranſmitted from the young queen ‖ of the hardſhips ſhe underwent from the guardians of the king and herſelf *, who held her in ſtrict confinement, refuſed her the attendants and maids ſhe choſe, and debarred her from the embraces of her huſband. It was with the declared intention of remedying theſe diſorders, and putting his daughter and ſon-in-law into a more agreeable ſituation, that the king, in the end of the ſummer after his return from France, made a progreſs, with his queen, towards the marches of Scotland.

Rym. tom. i. p. 560.

A. D. 1255.

Rym. tom. i. p. 558, 559.

For the better effectuating of his purpoſe of changing the adminiſtration in that kingdom, he ſent before him Richard Clare, earl of Glouceſter and Hereford, and John Maunſel the king's ſecretary, and provoſt of Beverly, with general letters of credence to the ſubjects of the Scottiſh king, and with powers to take into Henry's protection all who would adhere to him, againſt thoſe who had demeaned themſelves in an injurious and rebellious manner towards the king and queen of Scotland. They carried an expreſs protection to Patrick earl of Dunbar, and to the earls of Strathern and Carrick, together with eleven other Scottiſh chieftains, named in the writing †; to all whom the king engaged for himſelf and his heirs to give faithful aid in attacking and diſtreſſing the offenders above named; declaring it to be his deſire, that they ſhould thus proceed againſt them. He farther promiſed to attempt nothing againſt the perſon of their king, nor to inſiſt on his being *diſinherited:* he engaged likewiſe, not to endeavour to diſſolve the marriage between Alexander and his daughter, nor to make any peace or truce with the foreſaid rebels and traitors upon the abovementioned heads: and finally, that this writing ſhould continue in force until the king had completed his twenty-

Ipſius exhæreditationi,

§ Perhaps it was in conſequence of theſe recriminations, that Simon de Montfort Earl of Leiceſter was ſent by Henry to the king of Scotland, to communicate to him ſome ſecrets, with which the king of England had for that purpoſe intruſted him. Rym. i. 528.

‖ Reginald of Bath, an expert phyſician, who was ſent by the queen of England to take care of the health of her daughter and ſon-in-law, incurred the reſentment of the guardians and miniſters of the young king and queen, by accuſing them openly of their maltreatment of their ſovereigns; he died ſoon after at Edinburgh, and believed he was poiſoned by the contrivance of thoſe whom he had provoked; and when dying, wrote letters to the king and queen of England, charging the guardians with his death, and with their barbarous and inhuman treatment of the king and queen of Scots. M. Paris, 780.

* The perſons whom Henry had chiefly truſted (as appears from Mat. Paris) in the management of affairs at the Scottiſh court were, Robert de Ros and John Baliol, whom that hiſtorian calls men of great power and authority. They had great eſtates in both kingdoms. M. Paris ſays, that the king, reſenting the rebellion of the northern barons againſt his father, had ſtript them of their eſtates and beſtowed them on ſtrangers; and that this ſeverity had been exerciſed towards all, except Robert de Ros and John de Baliol, who now fell under his diſpleaſure. Robert de Ros pleaded that he would not ſuffer the king and queen to ſleep together, becauſe of their youth; which ſeems to be a very good defence, the king not being yet fourteen years of age. M. Paris, 798.

† Theſe were Robert de Brus, Alexander Steward of Scotland, Alan Oſtiarius, David de Lindeſai, William de Brechin, Walter de Moray, Robert de Meſneres (Al. Meyners) *i. e.* Menzies, Walter le Seneſcal (Ita) John de Crauford, Hugh de Crauford, and William Kalebraz. A general clauſe is added, *Omnes alios qui nobis hærere voluerint.* Rym. i. 569.

firſt

first year. The earl of Glouceſter and Maunſel, ſpeedily and unexpectedly entering Scotland with a conſiderable body of armed followers, and acting in concert with the earl of Dunbar, Alan the porter, and their adherents, ſurpriſed the caſtle of Edinburgh ‡, and thereby got into their power the perſons of the king and queen. One cauſe of the queen's complaints they inſtantly remedied, by putting her to bed with her huſband; but apprehending an attack from the combined forces of the oppoſite party, they quickly conveyed their prize, defended by a ſtrong guard, to the caſtle of Roxburgh. Alexander III. K. of Scotland. 1255. Mat. Paris.

The king of England, informed of the good ſucceſs of his forerunners, which ſucceſs aſſured him of ſettling all things in Scotland to his wiſh, did immediately give warning to his military tenants, and the other armed forces of his kingdom, to repair to him with all ſpeed, to accompany him to his northern frontiers. For the ſupport of his friends and effectual reſiſtance of his adverſaries, it was requiſite he ſhould be thus attended: but the approach of ſo great a force tending to excite a conſternation, and ſuſpicions that were hurtful to Henry's deſigns, he emitted, when at Newcaſtle, a declaration diſavowing all intention to violate the ſtate and liberties of the king and kingdom of Scotland, in his preſent viſit to his ſon and daughter; and that he did not mean that theſe liberties ſhould ſuffer hurt from the change that was made in the counſellors and great officers of Alexander, at the time of his marriage at York. Aſſurances of the ſame ſtrict regard to the perſons and liberties of the king and kingdom were included in the ſafe-conduct ſent from Chillingham to the king and queen of Scotland, on their coming to Henry at Wark, or any other place on the marches. The attendants appointed to conduct and to reconduct in ſafety the king, queen, and all their company, were Henry's two half brothers, Geoffry de Luſignan, and William de Valence, together with four of his principal earls *, and Maunſel his ſecretary. Rym. tom. i. p. 560. Ibid. p. 561. Aug. 25. Ibid. p. 562. Sept. 5.

The king and queen of England having come to the caſtle of Wark †, were viſited there, probably on the day after their arrival, by the king and queen of Sept. 6.

‡ The Chronicler of Melroſe and Mat. Paris relate this ſurpriſe of the Maiden-caſtle with different circumſtances, though in the main they agree. The Chronicler ſays, that Alan the porter and his aſſociates, having come to a convention of eſtates at Edinburgh, did there conſent to an agreement with the oppoſite party; for the final adjuſtment of which, a new meeting was to be held at Sterling: and that the king's guardians and counſellors having gone thither to make preparation for that aſſembly, earl Patrick and his aſſociates ſeized the opportunity of their abſence, and ſurpriſed the caſtle of Edinburgh, where they were ſoon joined by the earl of Glouceſter and Maunſel. M. Paris relates, that the earl of Glouceſter and Maunſel, leaving their attendants at a proper diſtance, were admitted into the caſtle as knights that depended on the family of Robert de Ros, and that their followers entering one by one, ſo as to give no alarm, at laſt grew to be too ſtrong for the garriſon. The Chronicler of Melroſe, being one of the party of the ejected courtiers, ſays not a word of the complaints of the young queen, or of any maltreatment ſhe had received.

* The earls were, Richard de Clare earl of Glouceſter and Hereford, R. de Bigod earl of Norfolk and marſhal of England, William de Fortibus earl of Albemarle, and Edmund de Lacy earl of Lincoln. Rym. tom. i. p. 563.

† The caſtle of Wark was, at this time, in the poſſeſſion of Robert de Ros, the younger ſon of Robert ſirnamed Furfan, who built the caſtle of Helmſley or Hamlake in Yorkſhire, and rebuilt that of Wark in Northumberland. He inherited the barony of Walter Eſpec the father of his great

Henry III. K. of England.

1255. Chr. Mailr. Rym. tom. i. p. 565. Chr. Mailr.

of Scotland, who, as is evident from what is above related, reſided at that time in the neighbouring caſtle of Roxburgh. The king of Scotland returned the ſame day; but, moved by the entreaties of her parents, left his queen at Wark, to attend her mother, who was ſick. Henry on the day following, in compliance with the invitation of the young king and his counſellors, went to Roxburgh; where Alexander received him with the higheſt demonſtrations of joy, and conducted him with a pompous proceſſion to the church of Kelſo. Henry addreſſing himſelf to the great men aſſembled there *, recommended the care of the king and nation to the earl of Dunbar and his aſſociates; and, after partaking of a royal entertainment, returned to Wark.

Sept. 20. Rym. tom. i. p. 565.

Henry remained at that caſtle, or in its neighbourhood, fifteen or ſixteen days; during which time, the Scottiſh nobles of his party who were aſſembled at Roxburgh, came to certain reſolutions, which being reduced into a written deed in name of their king, was delivered to Henry, before he ſet out on his return to the interior parts of his kingdom. This deed bears, that Henry, having for the honour and benefit of the king and kingdom of Scotland, come in perſon to the march between the kingdoms, Alexander at his requeſt, and by the advice of his prelates, nobles, and barons †, had removed from his council and their offices, his late counſellors and ſervants, as their deſerts were ſaid to require. Alexander alſo binds and obliges himſelf not to admit theſe perſons or their friends to his favour, or to any place in his council, or the management of the affairs of his kingdom, until ſatisfaction be made by them to himſelf and the king of England, for offences they were, or might be charged with. He alſo promiſes to compel them, if neceſſary, by every juſt method to make this ſatisfaction; but a power is reſerved to him of calling and admitting them and all others to his aid, in caſe of an invaſion of his kingdom by any foreign prince. In the room of thoſe removed, he nominates

great grandmother. He gave Wark to his younger ſon Robert, who, on this occaſion, delivered it to the king: it ſeems the king had, at that time, a ſuit againſt Robert for the right to that caſtle; but the king engaged, that no advantage with regard to that ſuit, ſhould be taken of the preſent ſurrender. Dug. Bar. 2. 554.

* Fordun ſays, that the two kings, together with the nobles of each kingdom, held a long conference *(diuturnum colloquium)*. He only ſays in general of their reſolutions, that *many* of them gave offence to the prelates and nobles of Scotland, but that *ſome* of them were profitable to that kingdom. Ford. l. 10. c. 9.

† The prelates, &c. who are ſaid to have been the adviſers of this change, were the biſhops of Glaſgow, Dunkeld, Aberdeen, and the elect of St. Andrews (Gameline,) the abbots of Dunfermling, Kelſo, Gedwurth, and Newbottle; the earls of Fife, Dunbar, Carrick, Strathern, Alexander Steward of Scotland, Robert de Brus, Alan the Porter, Walter de Moray, David de Lindeſay, William de Brechin, Hugh Giffard, Roger de Moubray, Gilbert de Hay, Robert de Meyners, William de *Duneglaſs* (*a*), John de Vaux, William de Ramſay, (in all twenty-five,) and it is added, ſeveral others of the king's barons.

(*a*) It is Duneglaſs, probably miſtaken for Duveglaſs, i. e. Douglaſs. See Home of Godſcroft, p. 12. Fol. edit.

The perſons removed from the king's council and ſervice were, the biſhops of Glaſgow and Dumblane, and the elect of St. Andrews, William Cuming earl of Monteith, Alexander Cuming earl of Buchan, William earl of Mar, John de Baliol, Robert de Ros, Aymer de Hikeſwell and his wife Mary, John Comyn, Nicholas de Soules, Thomas de Normanvill, Alexander Vinet, John de Aundemor, David de Graham, John le Bland, Thomas Ralphſon, Hugh Gurley, and William his brother, William Wiſhard archdeacon of St. Andrews, Brother Richard almoner of the Templars, David de Louther, John Wyſchard, William de Canerhon (Cameron), and William, lately the king's chaplain. (In all twenty-ſix.)

a liſt

Alexander III. K. of Scotland. 1255.

a liſt of ſucceſſors * choſen out of the number of thoſe, by the advice of whom the change was made. Theſe were to hold their places in council and their employments for ſeven years, if not deprived for their miſbehaviour; and if any of them ſhould be removed on this account, or by death, a ſucceſſor was to be appointed by the remaining members of the council. The direction of every thing relating to wards and eſcheats, was to be in the hands of theſe counſellors and their king. By the ſame authority, were ſheriffs, foreſters, and other inferior officers, to be removed when guilty of offences that deſerved it, and others ſubſtituted in their place; and without the joint advice of theſe counſellors, none of the royal caſtles were to be taken out of the keeping of thoſe to whom they were at preſent intruſted. Alexander farther promiſed for his own part, the moſt affectionate and honourable treatment of his queen, and to procure due reſpect to be ſhewn her by all in his kingdom: finally, he ratified and approved of all reaſonable obligations and conceſſions made by his prelates and great men to the Engliſh king, as proceeding from his own command and will. In confirmation of all the above articles †, he made Patrick earl of Dunbar to ſwear upon his ſoul; and for enforcing the obſervation of them, ſubjected himſelf to the cenſures of the Pope. But this writing at the end of the abovementioned period of ſeven years, was to be reſtored to the king and his heirs, and never after to be of force ‡.

This deed being ſealed and atteſted by king Alexander at Roxburgh, was immediately tranſmitted to Henry, who on the ſame day it was delivered to

* The new counſellors and miniſters were, the biſhops of Dunkeld and Aberdeen (Richard and Peter); the earls of Fife, Dunbar, Strathern, and Carrick, Alexander Steward of Scotland, Robert de Brus, Alan the Porter, Walter de Moray, David de Lindeſay, William de Brechin, Robert de Meyner (Menzies), Gilbert de Hay, and Hugh Giffard. (In all 15.) Of theſe, Richard biſhop of Dunkeld was appointed chancellor, David de Lindeſay great chamberlain, and Alan the Porter chief juſticiary. So Fordun, l. 10. c. 9.

The king of England took care to puniſh his own ſubjects Robert de Ros and John Baliol. He ſeized the lands of the former, and made the latter, who was very rich, purchaſe his pardon by a great ſum. M. Paris, 781. The ſame author ſays afterwards in p. 821. that Robert de Ros, the moſt eminent of all the Northerns, was pitifully and irrecoverably deſtroyed. Yet Dugdale quoting original charters, ſays, that though Robert de Ros was fined 100,000 merks, it was afterwards forgiven him. The king alſo quitted the claim to the caſtle of Wark. Dugd. ii. 554.

† Theſe obligations are in this deed mentioned only in this general manner; but the deed itſelf muſt certainly have been what the Mailros Chronicle calls it, that execrable writing, drawn up and ſealed by the earl of Dunbar and his party, containing, as the author of the Chronicle ſuppoſed, many things that tended to the diſhonour of the king and kingdom. The ſame Chronicler ſays, that the king of England had returned home, much offended at the biſhop of Glaſgow, the elect of St. Andrews, Walter Comyn, earl of Monteith, and the other great men of the land, for not putting their ſeal to that writing. The abbot of Melroſe is not in the liſt of the convention at Roxburgh; nor were any of the abbots there preſent put into the liſt of new counſellors. The biſhop of Glaſgow and the elect of St. Andrews were alſo excluded from that number, on account, as is probable, of the oppoſition made by them to the meaſures of the meeting.

‡ On the ſame day on which this deed was delivered to Henry, he ſent a written obligation to the king of Scotland, engaging, that the queen of Scotland ſhould be reſtored to her huſband, or his knights carrying this obligation, as ſoon as her mother the queen of England was recovered, and ſhould ſet out from Wark towards the ſouthern parts of England. Rymer, p. 565.

Henry III. K. of England. 1255.

him, annexed to it at Sprowſton *, a declaration bearing his engagement, that nothing in the written deed of the king of Scotland ſhould, after the expiration of the abovementioned term of years, be of prejudice to the prince himſelf, his heirs in the kingdom, or the royal liberties, and that the deed itſelf, although utterly void, ſhould for greater ſecurity be reſtored. The king of England having thus ſettled the affairs of Scotland to his mind, ſet out ſouthward a day or two after: but the new council and miniſtry of the Scottiſh king obtained from him before his departure, a written engagement to protect and aid them, againſt the oppreſſion or aſſaults of the oppoſite faction, and to make neither peace nor truce with thoſe rebels, without the conſent of his preſent friends; who engaged on their part, to do their utmoſt to procure ſatisfaction from their adverſaries for the injuries they had done to the king of England, and to conclude neither peace nor truce with them, without that king's concurrence. With the view alſo of ſupporting and increaſing his party in Scotland, Henry, when at Alnwick, in his way ſouthward, left full powers to the earl of Glouceſter and John Maunſel, to treat and conclude in his name with all manner of Scottiſh perſons.

Rym. tom. i. p. 567. Sept. 21ſt, at Wark.

Sept. 23d.

A. D. 1256. Aug. 15. Mat. Paris. p. 799, 800.

In the following ſummer, the young king and queen of Scotland made a viſit to the court of England at Woodſtock; where they were received by king Henry and his queen, with the fondeſt parental affection, and entertained with much magnificence †. At this time, Henry, notwithſtanding his own neceſſities, conferred on Alexander the county of Huntingdon ‡, with the honour belonging to it, as it had been held by ſome of his anceſtors. Soon after, Henry iſſued orders to the fighting men of the five northern counties of England §, if the king of Scotland ſhould ſtand in need of their aid againſt his rebels, to obey the commands that ſhould for this effect be given them by John Maunſel: and, at the ſame time, Maunſel was ſent towards Scotland, probably in the ſuite of the Scottiſh king, with powers, in Henry's name, to provide and order every thing that concerned Alexander, as he ſhould judge moſt conducive to this prince's honour and intereſt.

Rym. tom. i. p. 605.

* Sproriſton, in the printed copy in Rymer, is an eaſy miſtake for Sprowſton, which muſt be undoubtedly the true reading. A memorandum annexed, ſays, that the king of England's letters patent, containing Alexander's deed, and Henry's declaration ſubjoined to it, were drawn up and granted to the king of Scotland, by the advice of his earls and barons, of whom ſeveral are named that met at Karliol (ſo printed), but the true reading is certainly Carham, where Henry might adviſe with his counſellors on the ſame day on which the writing of the king of Scotland was tranſmitted to him.

The city of Carliſle is diſtant from the village of Sprowſton betwixt ſixty and ſeventy miles, but the ſmall village of Carham is only at the diſtance of three or four miles from it.

† When Alexander and his queen, along with the king and queen of England, and a very numerous and ſplendid retinue of nobles and courtiers came to London, they were all feaſted in a very magnificent manner by Maunſel, whoſe houſe of *Totale* not being able to contain them, he was obliged to erect for their reception ſeveral magnificent and royal pavilions. Mat. Paris ſays, that ſuch a ſplendid, copious, and well conducted entertainment was never known to be given by a clergyman. Mat. Paris, p. 800.

‡ Alexander, however, does not ſeem to have obtained poſſeſſion of this county, for, according to Fordun, l. 10. c. 28. he ſent fourteen years after, (A. D. 1270) Simon abbot of Dunfermling and William earl of Mar, to demand this county as rightfully deſcending to the king of Scotland from his anceſtors; but the king of England and his counſellors refuſed to give it up.

§ York, Lancaſter, Weſtmoreland, Cumberland, and Northumberland.

Alexander III. K. of Scotland.

1256.

The new counſellors that Henry had placed around the young king, did not poſſeſs their offices without much uneaſineſs and danger from the eager reſentments and great power of the oppoſite party. This party they farther exaſperated, by attempting to bring them to a rigorous account of their adminiſtration, and particularly of their management of the royal revenues, while the power was in their hands. The reigning faction did alſo provoke the bulk of the clergy, and brought upon themſelves the diſpleaſure of the Pope, by their ſeverities againſt Gameline, whom the biſhop of Glaſgow had, in contempt of their prohibition, conſecrated at St. Andrews. They ſeized and plundered the poſſeſſions of Gameline's dioceſe, and obliged himſelf, as an outlaw, to abandon the kingdom. This prelate paſſing by ſea from Scotland to France, and thence to Rome, carried his complaints to Pope Alexander, by whom they were favourably heard, notwithſtanding the repreſentations made by the meſſengers whom the king's counſellors had ſent to Rome to defend their conduct. The Pope gave powers to Clement biſhop of Dumblane, together with Matthew abbot of Melroſe, to fulminate the cenſures of the church againſt Gameline's perſecutors; who, not regarding the admonitions given them by theſe prelates, were at laſt excommunicated by name at *Cambuſkenneth*.

Ford. l. 10. c. 9.

Chron. Mailr.

Meantime, propoſals were made by the Cumings and their adherents, for reſtoring domeſtic peace and giving ſatisfaction to the king. Some propoſals of this nature were, in the beginning of the following year, ſent up to the king of England from Roxburgh by the dean of Dunkeld and Adam de Morham *; but had not been approved at the Engliſh court. For, in the following ſummer, Mary the queen dowager of Scotland and her huſband John de Acre, ſon to the king of Jeruſalem, having ſolicited Henry for a ſafe-conduct, in paſſing from France through England to Scotland, it was granted to them, on the interceſſion of the queen of England's brother, Peter de Savoy earl of Richmond; but, under the expreſs condition that they ſhould bind themſelves by oath, to attempt nothing to the prejudice of the king or kingdom of England, the king and queen of Scotland, or of the council which the king of England had aſſigned to theſe princes. It is probable, that thoſe viſitants, on their arrival in Scotland, aſſumed the office of mediators between the contending parties. For a meeting was ſoon after held at Stirling, for compoſing the ſtrife between the king of Scotland and certain of his nobles; to attend which meeting, Henry, when on his march againſt the Welch, deputed the archbiſhop of York, the biſhop of Durham, and five others †, with powers to conclude, in conjunction with the king of Scotland's council, what they judged for the honour of the two kings.

A. D. 1257. Rym. tom. i. p. 619. Rym. tom. i. p. 625, 627.

Rym. tom. i. p. 637. July 23d. At Coventry.

This meeting at Stirling, if it was really held, had not anſwered the end propoſed. For, about two months after it, the earl of Monteith and his aſſociates, by a ſudden aſſault in the night, ſeized the king in his bed at Kinroſs; juſtifying their conduct by the alleged neceſſity of taking their ſove-

Ford. l. 10. c. 10. Oct. 29. Chr. Mailr.

* The commiſſion of theſe meſſengers is atteſted by Patrick earl of Dunbar.

† The others were, Richard de Quincy earl of Wincheſter, B—— prior of Durham, John Maunſel provoſt of Beverly, Gilberton de Preſton, and William Latimer.

reign

Henry III. K. of England.

A. D. 1258. March 18th. Rym. i. 653.

reign out of the hands of perſons excommunicated by the papal authority, leſt the whole kingdom ſhould be laid under an interdict. This bold ſtep they had probably been encouraged to make, by Henry's being engaged in a war with the Welch, and by his bad ſucceſs in that war. And, early in the following year, the heads of this faction which now bore rule in Scotland, entered into a league * with Lewellin prince of Wales, and the lords of that nation, againſt the king of England as a common enemy. Upon king Alexander's thus falling into the hands of the party of the Cumings, Alan the porter fled to the king of England; his accomplices were ſcattered into different places, and the Engliſhmen, who poſſeſſed offices of honour and truſt in Scotland, were obliged to return to their own country.

Chr. Mailr.

Mat. Paris, 821.

Chr. Mail.

In the beginning of this year, king Alexander, accompanied by his new counſellors, had led an army to Roxburgh, in order to reduce the oppoſite party of nobles and barons, whoſe ſtrength chiefly lay in that corner of the kingdom. In this reverſe of fortune they obtained a reſpite from hoſtilities, by promiſing to appear on a certain day at Forfar, there to undergo a trial for the crimes laid to their charge; inſtead of which, they abandoned their country, and repaired to their patron the king of England, to ſolicit his counſel and aid. This expedition of king Alexander to Roxburgh was in the time of Lent, which holy ſeaſon the Scots and Gallowaymen in his army profaned, by eating fleſh; and alſo committed various depredations in the adjacent country. Gameline † biſhop of St. Andrews, informed of the revolution at home in favour of his friends, returned about this time to Scotland, and ſoon became a principal perſon in the adminiſtration.

The ſummer of this year was a very turbulent one in England. The overgrown nobles of that kingdom, at the head of whom was Simon de Montford earl of Leiceſter, juſtly offended at the favour and exorbitant bounties of the king to his brothers by his mother, as well as to other foreigners, entered into a combination to expel them from the kingdom. But not content with effecting this, they eſtabliſhed a council of the chief of their own number; to whom they obliged the king to commit the direction of all publick affairs. Their profeſſion was to reform all the diſorders that prevailed in the ſtate, and they required all to ſwear obedience to the regulations made by them for that purpoſe; which regulations were afterwards known by the name of the *Oxford Proviſions*. This new ſyſtem was eſtabliſhed in June, in a parliament held at Oxford; which, from its extravagant proceedings, was afterwards called the Mad Parliament.

By this ſituation of affairs in England, the influence of Henry in Scotland muſt have been greatly diminiſhed. An attempt, however, was made to compoſe the ſtrifes between the Scottiſh parties, by the mediation of certain

* The Scots who contract in this league are, Walter Cuming earl of Monteith, Alexander Cuming earl of Buchan juſticiary of Scotland, William earl of Mar, William earl of Roſs, John Cumin juſticiary of Galwedia, Aimeris de Makeſwell chamberlain of Scotland, and nine more.

† An order from Henry, was directed Jan. 22. to the barons and bailiffs of Dover and the other cinque ports, ordering them to watch for Gameline biſhop of St. Andrews, who had obtained ſome things at the court of Rome, tending to the diſheriſon (exheredation) of king Alexander, and if they found him, to arreſt him. Rym. ib. 652.

Engliſh

Alexander III. K. of Scotland.

1258. Rym. ib. 668. Chron. Mailr.

Engliſh grandees, commiſſioned by the king for this purpoſe, one of whom was the earl of Leiceſter *. He and the earl of Richmond came to king Alexander in September at Melroſe, where that king waited the arrival of his army, which he had commanded to aſſemble in its neighbourhood, upon receiving information of the approach of his fugitive lords, accompanied with an armed force and certain nobles of England. Alexander now diſcovered, that the lords, who had come to negociate with him, had left their Engliſh and Scottiſh friends, together with John Maunſel, and ſome forces at Norham †: and his counſellors apprehending a plot to ſeize the king's perſon, and carry him into England, appointed Leiceſter, and his fellow commiſſioners, to wait upon him on the following day at Jedburgh; in the foreſt of which place a great part of his army was already aſſembled. Conferences were accordingly held at Jedburgh ‡, between Alexander's miniſters and the Engliſh delegates for almoſt three weeks; and theſe latter ſeeing the king ſurrounded with an army far too ſtrong for the party attached to England to contend with, applied themſelves ſeriouſly to the re-eſtabliſhment of peace. Conditions were at laſt agreed on; and Alexander's army diſperſed, after the Scots and Gallowaymen in it had ravaged and laid waſte all the neighbouring country. The regency of the kingdom was intruſted to ten perſons; of which the queen dowager and her huſband John de Acre were two; and the remaining eight conſiſted § of equal numbers, choſen from each of the rival factions. Of this ſettlement Henry notified his approbation by a written deed; in which he promiſed his counſel and aid to theſe regents, ſo long as they managed the affairs of Scotland agreeably to religion and juſtice, for the intereſt and honour of their ſovereigns, and according to the laws and good cuſtoms formerly obſerved in that country. Walter earl of Monteith died ſoon after this ſettlement was made.

Rymer, ib. 670.

In the following year, a long ſeries of truces, between England and France, iſſued in a treaty of peace; wherein Henry, by reſigning his title to Normandy, and other provinces that had been loſt by his father, obtained from king Louis, a prince illuſtrious for equity and moderation, a full acknowledg-

A. D. 1259.

* The other two were, Peter of Savoy earl of Richmond, and John Maunſel; their commiſſion was dated Auguſt 4. But theſe who came to king Alexander at Melroſe, according to the Chronicles of that monaſtery, were, the earls of Hereford and Albemarle, and John de Baliol. C. M. 222.

† The government of the caſtles of Norham and Wark, was this year conferred on Robert de Neville, lord of Raby; and this lord was commanded by the king, to provide himſelf with horſe and arms, to march with the forces deſigned to reſcue the king of Scots from the reſtraint in which his rebellious ſubjects held him. Neville, in the year following, was made alſo governor of the caſtle of Bamburgh. Dugd. Peerage, vol. i. p. 291.

This Robert de Neville was the ſecond lord of Raby, of the name of Neville; being the grandſon of Robert Fitz-Maldred, lord of Raby, who was the lineal male-heir of Uchtred earl of Northumberland.

‡ During theſe conferences, Robert abbot of Kelſo died, and Patrick, a monk of the ſame abbey, ſucceeded him. C. M.

§ Thoſe of the party of the Cumins, were Walter Cumin earl of Monteith, Alexander Cumin earl of Buchan, William earl of Mar, and Gameline biſhop of St. Andrews; and of the other party, Alexander Steward of Scotland, Alan the porter, Robert de Meyner, and Gilbert de Hay. Rym.

ment,

Henry III. K. of England.

ment, and ratification, of his right to Guienne, with ſome other territories and places. In the end of this year, Henry paſſed over to France, to pay liege homage to Louis, for the territories ceded to him by the treaty; and returned to England, in the beginning of the following ſummer.

1259.

A. D. 1260.

In the autumn of that year, the king and queen of Scotland making a viſit * to the court of England; and the queen being with child, every aſſurance that the Scottiſh counſellors demanded was readily granted by the Engliſh king, with the concurrence of his reigning nobles, for preſerving inviolate the liberty of king Alexander, his queen, and their offſpring; and that, during this viſit, no influence of any kind ſhould be uſed, to make a change of Alexander's counſellors, or any way to direct the management of his affairs: and when the earneſt entreaties of the king and queen of England prevailed with Alexander to leave his queen, to bear her child with her mother, the free return of the queen, and her offſpring; or in caſe of her death, the re-delivery of her offſpring to her huſband; or, if her huſband ſhould die, the re-delivery of the ſame offſpring to the prelates and nobles of Scotland †, was promiſed by a ſolemn deed, which Henry delivered to Alexander. From the tenor of this deed it appears, that the chief adminiſtration of the affairs of Scotland, did, at that time, remain in the ſame hands in which it had been ſettled about two years before.

Rym. ib. 713, 714.

Rym. ib. 715.

A. D. 1261.

The following year produced a change in the Engliſh adminiſtration, that gave birth to the moſt terrible inteſtine commotions. King Henry, ſupported by Pope Alexander, who abſolved both the king and his barons from the oath by which they had bound themſelves, to obſerve the *Oxford Proviſions*, and being alſo ſtrengthened at home by the powerful earl of Glouceſter coming over to him from the party of Leiceſter, expelled from the adminiſtration thoſe whom the laſt-named party had put into it, and reſumed the direction of all public affairs into his own hands. This he was able, with difficulty, to hold about two years; in which ſpace he was deprived, by death, of the earl of Glouceſter ‡, and ſome others of his beſt friends. Mean while Simon de

* This viſit ſeems to have been the conſequence of a meſſage ſent the year before, about the feaſt of St. Katherine's (Nov. 25), from the king of England, by William de Hortun, monk, and chamberlain of the church of St. Alban's. Matthew Paris, a monk of the ſame monaſtery, ſays, That Hortun travelled into the remoteſt parts of Scotland, where he found, according to his wiſh, the king and queen of Scotland, and the great men of their kingdom, aſſembled in a parliament. He propoſed, and ſolicited, with great earneſtneſs, that the king and queen of Scotland ſhould make a viſit to the court of England, to treat of ſome arduous and ſecret affairs. With much difficulty, he obtained the conſent of the Scottiſh grandees to this requeſt; which conſent theſe grandees ſignified by a written deed, on the condition of their obtaining from the king of England, and his nobles, the written ſecurity which their meſſenger promiſed. Hortun returned home about the beginning of March, and was ſoon followed by three Scottiſh ambaſſadors, the earl of Buchan, William the Scottiſh chancellor, and Alan the porter, who were ſent to treat more fully, concerning the above mentioned affair, with the king of England and his council. M. P. 844, 845. This is the laſt affair, relating to Scotland, that is mentioned in Matthew Paris's hiſtory.

† The magnates of Scotland; to whom, or to any four, or three of them, bringing with them Henry's obligation, the queen's offſpring was to be reſtored, were the biſhops of St. Andrews, Aberdeen, Dumblane, and Whittirn; and the earls *M. of F.* (probably the earl of Fife), A. Cumin of Buchan, M. of Stratherne, P. of Dumbar, W. of Marr, and John Comyn, Alexander Steward of Scotland, Alan Oſtiarius, and Hugo de Abirnith, barons. See above, p. 147.

A. Malcolm, earl of Fife, according to Fordun, died anno 1266.

‡ Richard earl of Glouceſter died in 1262. Dugd.

Montfort,

Alexander III. K. of Scotland.

Montfort applied himſelf with the utmoſt aſſiduity to ſtrengthen his party both in France and England; and the effects of his endeavours did at laſt appear in his breaking out into open war againſt the king, and by a greatly ſuperior force, compelling him to revive the Oxford Proviſions, and to conſent to ſuch other terms of peace as it pleaſed the conqueror to dictate. 1261.

A. D. 1263. July 18th.

During theſe diſtreſſes of Henry, his ſon-in-law of Scotland was alarmed by a formidable deſcent on the weſtern coaſt of his kingdom, by Haquin, king of Norway. But the terrors of this alarm were diſſipated, partly by a ſtorm that deſtroyed many of the ſhips of the Norwegians, and partly by a defeat, which an anceſtor of the royal houſe of Stewart gave at Largs, in Cunningham, to their forces, which had made a deſcent near that place. The king of England, upon the inſurrection of his barons, had given Robert de Neville * the command of all his forces on the north of the Trent, together with the ſheriffdom of Yorkſhire, and keeping of the caſtle of York. Neville undertook this charge, but requeſted, in a letter to the chancellor, that the king would direct him to proper and ſufficient funds, for defraying the expence attending it, as well as the keeping of the caſtle of Bamburgh, which was, at that time, alſo in Neville's hands. To enforce this requeſt, he informed the chancellor, that he had received ſure intelligence, of the kings of Denmark and Norway having arrived amongſt the Scottiſh iſles, with a great multitude of ſhips; and as it was not certain what was their deſtination, there was reaſon to apprehend danger in the diſtrict intruſted to his care.

Oct. 2.

Rym. i. 772.

Ut mihi ſignificet ubi et de quo ſive de quibus potero denarium perquirere.

In the year following, king Alexander improving his ſucceſſes againſt the king of Norway, which were ſoon followed by the death of the latter †; and having collected an army at Dumfries, to be employed in an expedition againſt the Iſle of Man, the king of that iſland, who had formerly depended on the kings of Norway, yielded himſelf a vaſſal to the crown of Scotland. Alexan-

A. D. 1264.

* Dugdale, quoting original authorities, ſays, That R. de Neville was this year (47 Henry III.) made captain general of all the king's forces beyond Trent, &c. which confirms the accounts of Fordun and Forſæus, who place Haquin's deſcent on Scotland in 1263. Chron. Mailr. whom the learned editor of Fordun is inclined to credit, places this invaſion in 1262. Fordun ſays, There were ſome of the borderers of Alexander's kingdom *(de finitimis regni)*, who wrote to king Haquin, animating him againſt their natural lord. This correſpondence between Haquin and ſome of the male-content border chieftains in Scotland, was, perhaps, known to Neville; and gave occaſion to the apprehenſions expreſſed by him, in his letter to William de Merton, the king's chancellor, referred to in the text.

Vol. i. p. 291.

L. 10 c. 17.

Neville, about the ſame time, wrote a letter to the king, his maſter, requeſting him to ſend orders to the lords Robert de Brus, John Comyn, John Baliol, Henry Percy, and his other great barons *(magnatibus)* in thoſe parts, requiring them to be aiding to him (Neville), in preſerving peace in the country beyond the Trent. Rym. i. 772.

† Fordun relates, That king Alexander received, on the ſame day, the news of the death of the king of Norway, and of the birth of his ſon Alexander, whom his queen bore to him at Jedburgh, on St. Agnes's day, Jan. 21. l. 10. c. 18. Haquin, being ſucceeded by his ſon Magnus, the difference between the latter, and Alexander king of Scotland, about the Weſtern Iſles, was happily accommodated by a treaty, in which the king of Norway gave up his right to theſe iſlands, for the ſum of 4000 merks, payable in four years after the date of the treaty; and an annual penſion of a hundred merks, in all time coming. The Chronicle of Melroſe extolls the wiſdom and eloquence which Reginald of Roxburgh (a monk of Melroſe) diſplayed, in negociating this treaty for his maſter, king Alexander, at the court of Norway. Ford. l. 10. c. 19. Chr. Mailr. ad ann. 1265, 1266. Ruddim. Not. ad Buch. l. 7.

July, 1264.

Henry III. K. of England. 1264.

der, thus freed from the dread of the Norwegians, became more capable of giving aid to his father-in-law. It is probable alſo, that many of Alexander's counſellors and nobles were the more inclined to eſpouſe the king of England's cauſe, from the open declaration made by the king of France in his favour: for the war having ſoon been rekindled between Henry and his barons, both parties agreed to make Louis the umpire of their differences; who gave an award wholly on the ſide of Henry. But Montfort, and his accomplices, diſdaining to ſubmit to a deciſion ſo deſtructive of all their former pretenſions, broke out into a new and furious war; wherein prince Edward diſplayed his extraordinary courage and abilities in his father's defence. Early in the ſpring, Henry was joined by a great body of forces, commanded by the northern barons; John Comyn, John Baliol, Robert de Brus, Henry de Percy, and others *; of whom the three firſt-named had great poſſeſſions in both kingdoms, and were now the chief leaders of the Scottiſh auxiliaries. Theſe barons were preſent with Henry, in a conflict with his rebels at Northampton, in which he was victorious; but this ſucceſs was ſoon after reverſed by the fatal battle of Lewes, in Suſſex, in which Montfort triumphed; and the unhappy king, his gallant ſon prince Edward, and his brother Richard, king of the Romans, became the victor's priſoners. In this battle, John Comyn, and Robert Brus †, were alſo taken priſoners; and almoſt all the body of foot that followed them from Scotland were cut off.

Heming. p. 581. M. W. p. 385.

Montfort, thus acquiring the ſupreme power, and compelling the captive king to give the ſanction of the royal name to all his orders, governed, without control, for more than a year. But prince Edward, having regained his liberty, and being joined by the earl of Glouceſter and other barons, who were grown impatient of Leiceſter's tyranny and ambition, put an end at once to the life and power of this famed rebel, in the battle of Eveſham. Two of Montfort's ſons, and others of his accomplices, who eſcaped the deſtruction of that day, made vigorous efforts to ſupport their ſinking cauſe, in different corners of the kingdom; but the king, chiefly by the proweſs and wiſe conduct of his ſon Edward, did at laſt every where prevail.

A. D. 1265. Aug. 4.

What contributed much to prolong the inteſtine troubles of England, was the rage and deſpair of many of the rebel barons, on account of the forfeiture of their eſtates, by a parliament at Wincheſter. One of theſe barons was John de Veſey; who having, in conſequence of this forfeiture, been ejected from his caſtle at Alnwick, and lands adjacent, did enter into a combination with ſeveral northern barons, that were in the like circumſtances with himſelf, for the recovery of his own, and their poſſeſſions. Veſey did accordingly reſeize, by force, his caſtle and lands; but prince Edward coming againſt him, with a great body of forces, ſoon reduced him to ſuch ſtraits, that he was obliged to give up his caſtle, and to ſubmit himſelf to the prince's mercy. This he

Thom. Wikes, p. 78, 79. Chron. Dunſt. ap. Carte.

A. D. 1266.

* The ſtates of Scotland, and Baldred Biſſet, their agent at the court of Rome, in 1301, affirm, That when Henry aſked aid from Alexander, his ſon-in-law, againſt Simon de Montfort and his accomplices, he acknowledged, by his letters patent, concerning this affair, that he did not receive this aid, of debt, but of ſpecial favour. Ford. l. 11, c. 53, 58.

† Matt. Weſtminſter adds to theſe John Baliol.

obtain-

Alexander III. K. of Scotland.

obtained *; and his accomplices, ſeized with conſternation, ſoon deſiſted from their rebellious enterpriſes. Edward, when on this expedition, proceeded to Roxburgh; where he was received, and entertained, with the utmoſt feſtivity and joy by the king and queen of Scotland, attended, on that occaſion, by a numerous body of the nobles of their kingdom. But the king of England being reduced to new diſtreſs, by an inſurrection of the Londoners, headed by the earl of Glouceſter, prince Edward ſpeedily marched to his father's relief, with an army of 30,000 men, among which was a body of Scottiſh auxiliaries †.

1266. Ford. l. 10. c. 20.

Mat. Weſtm. p. 399.

Henry's younger ſon Edmond, on whom his father had conferred the dutchy of Lancaſter, and the forfeited honours and eſtate of Simon de Montfort, earl of Leiceſter, made a viſit, in the autumn of the ſame year, to the king and queen of Scotland, at Berwick; where king Alexander, accompanied by his nobles, celebrated with royal pomp his own birth-day ‡.

Ford. l. 10. c. 24. A. D. 1267. Sept. 4.

Ottobon, the Pope's legate, after having laboured with ſucceſs, in ſettling the domeſtic peace of England, and alſo made ſome reform in the eccleſiaſtical affairs of that kingdom §, ſet about preaching a croiſade for the relief of the Holy Land; in which Henry's two ſons, and ſome of the chief of his nobles, engaged. There could not be a better expedient for preſerving the tranquillity lately reſtored at home, than thus carrying to a diſtance the turbulent ſpirits who, on every occaſion, were ready to diſturb it. The two Engliſh princes, Edward and Edmund, in the ſame year they took the croſs, viſited the king and queen of Scotland at Roxburgh; and this viſit was ſoon followed by a journey of Alexander and his queen to York; where they had the pleaſure of ſeeing their father, the king of England, and of rejoicing with him in the repoſe and ſafety he had now attained, after the hazards and troubles with which he had ſo long ſtruggled.

A. D. 1268.

Ford. l. 10. c. 25. Rymer, ib. 851.

The Pope had, at the requeſt of the king of England, iſſued a bull, impoſing on the Scottiſh clergy the payment of a tenth of their revenues, for an aid to defray the expence of the two Engliſh princes, in their expedition to the Holy Land. Whatever complaiſance Alexander ſhewed to his father-in-law

Ford. l. 10. c. 24.

* According to Dugdale, vol. i. p. 93. he partook of the benefit of the *Dictum de Kennelworth*, which was publiſhed Oct. 31, 1266; and which, inſtead of the forfeitures made at Wincheſter, accepted of a compoſition of a few years rent of eſtates. He afterwards aſſumed the croſs, and went to the Holy Land with prince Edward. Hen. Knyghton, p. 2437.

† *Secum duxit de Scotia et de partibus borealibus* 30,000 *hominum bellatorum*. A little before he ſays, That king Henry *miſit pro Scotis & Francigenis*. Mat. Weſtm. p. 398, 399.

‡ Fordun relates, that this year, on the day before the feſtival of the 11,000 virgins, a prodigious ſtorm aroſe from the north; by which the ſea was raiſed to ſuch fury, that, breaking over its bounds, it levelled houſes, towns, and trees, and did much damage in many places, eſpecially between the Tay and Tweed. Such a tempeſt, ſays the hiſtorian, had not been ſeen from the days of Noah to that day, as the veſtiges of it ſtill make evident. Ford. l. 10. c. 22.

§ Ottobon held a council at St. Paul's, where ſome conſtitutions were made, that in ſucceeding times bore the name of that legate. Richard biſhop of Dunkeld, and Robert of Dunblane, were at that council, repreſenting the Scottiſh biſhops, and the abbot of Dunfermlyn, and prior of Lindores, for the reſt of the clergy. Fordun ſays, That the legate made ſome new conſtitutions, particularly regarding perſons, both eccleſiaſtical and ſecular, in Scotland; which the clergy of Scotland poſitively refuſed to receive. Ford. l. 10. c. 24.

Henry III. K. of England.

1268. in other reſpects, he is ſaid to have ſupported his clergy, in the univerſal oppoſition made by them to this demand. The plea on which they chiefly grounded their non-compliance, was, that a competent number of perſons, in proportion to the extent of the kingdom, had engaged to go on this croiſade from Scotland. The moſt conſiderable of theſe Scottiſh croiſes, were David earl of Athol, and Adam earl of Carrick; whereof the laſt-named died on that expedition at Acre in Phœnicia, leaving his eſtate and honours to Martha, his only daughter. This lady ſoon after married Robert Brus, the ſon and heir of Robert Brus, ſirnamed * *The Noble.* Her huſband became, by this marriage, earl of Carrick; and Robert Brus king of Scotland, was their firſt-born ſon.

The four remaining years of Henry's reign afford no events that have relation to our ſubject. His ſon prince Edward, occupied in preparations for his expedition, and in providing for the peace of the kingdom, before he left it, did not ſet out on his croiſade until Auguſt 1270. He then followed Louis king of France, to Tunis; but that excellent monarch had breathed his laſt in the neighbourhood of that city, more than two months before Edward's arri-

A. D. 1271. val. In the following ſpring, Edward reached the coaſt of Phœnicia, where he raiſed the ſiege of Acre on his arrival; and afterwards, with an inconſider-

A. D. 1272. able force, performed many great exploits. He ſet out upon his return to England, in the end of Auguſt in the following year; and, making ſome ſtay in Sicily, received intelligence, while there, of the death of his father; who, having declined in health ever ſince prince Edward left England, expired at St. Edmondſbury November 16th, in the ſixty-fourth year of his age, and fifty-ſixth of his reign.

* This Robert Brus was lord of Annandale in Scotland, and of Cleveland in England.

THE

THE

BORDER-HISTORY

OF

ENGLAND AND SCOTLAND.

BOOK III.

THE veneration which the heroiſm of Edward had gained to him in the minds of his ſubjects, together with the fidelity and vigour with which his counſellors and miniſters conducted his affairs, preſerved great order and obedience in his kingdom; although he did not return to it until the end of the ſecond ſummer after his father's deceaſe. Soon after his arrival, he and Eleanor his queen, were crowned at Weſtminſter; at which ſolemnity † were preſent the king and queen of Scotland; and, on the day following, the Scottiſh king paid homage to Edward. Alexander and his queen, after being very honourably entertained at Edward's court, returned to Scotland; where the queen died the beginning of the following year.

Edward I. K. of England. Alexander III. K. of Scotland.

A. D. 1274. Auguſt 2.

Auguſt 19.

A. D. 1275. Feb. 26.

By the death of the queen of Scotland, a ſtrong bond of friendſhip between her brother and huſband was broken. In the year following, Alexander complained of certain exceſſes committed by the king of England's officers within the Scottiſh march; to repreſent which, and obtain redreſs, he ſent envoys to

Rymer, ii. 1064, 1065.

A. D. 1277.

† Fordun ſays, That Alexander was preſent here, *ſub libertate & proteſtatione ſ litis in conſimilibus coronationibus fieri conſuetis*; and agreeably to this account, among the liſt of papers relating to Engliſh affairs, found in the Scottiſh archives at Edinburgh, in 1282, there is a letter of the king of England's, *quod adventus R. Scotiæ ad coronationem R. Angliæ Lundoniis non cedat regno Scotiæ in præjudicium.* Rym. ii. p. 217. Ford. l. 10. c. 35, and App. No. 26.

The Scottiſh king had the uſual allowance of 100*s.* (5 *l.* ſterling) a day for his expences, in coming to attend king Edward's coronation. Theſe amounted, on this occaſion, to 175 *l.* which ſhews, that king Alexander was thirty five days in England. Robert de Stichill, biſhop of Durham, died the 4th of Auguſt this year, as he was returning from the council of Lions; upon which the revenue of that dioceſe falling into the king's hands, the keepers of the vacant ſee were ordered by him to pay the above-mentioned ſum to the king of Scotland. Robert de Stichill had been prior of Finkhall, and held the ſee fourteen years. Robert de Grazſtanes, the Durham annaliſt of that period, relates, That Robert de Stichill, having been a prieſt's ſon, a brother monk, who admired his uncommon talents and virtues, procured, without his privity, a diſpenſation, enabling him to be elected even to the epiſcopal dignity. This brother was Henry of Horncaſtre, afterwards prior of Coldingham. Rym. ii. p. 42. Whart. Ang. Sac. i. p. 742.

It is ſpelt in Ann. Waverl. Stitchill.

the

Edward I. K. of England.

1277. Rym. ii. 86.

the Engliſh court. Not long after, Robert biſhop of Durham ‡ complained to Edward of certain encroachments, which he pretended were made by the king of Scotland in thoſe parts, where the territory of the biſhoprick adjoined to Scotland. On receiving this complaint, Edward ſent a letter to the king of Scotland, admoniſhing him not to ſtretch his march beyond the ancient and accuſtomed line. To carry an anſwer to this admonition, and to refute the biſhop's charge, Alexander ſent two of his prelates, an earl and a baron §; who came to Edward at Byrthened, when engaged in his firſt expedition againſt Lewellyn prince of Wales. Theſe ambaſſadors affirmed, in their maſter's name, That no tranſgreſſion had been made upon the boundaries, known and allowed, from time immemorial down to the preſent; but, as Edward had been otherwiſe informed, they propoſed that the matter in queſtion ſhould be amicably terminated, by men of experience and probity, choſen by each ſide, according to the laws and cuſtoms of the march. Finally, they told him, That the king their maſter requeſted him, as a brother and friend, not to give credit to any perſon who ſought to diſturb him in rights and poſſeſſions which his anceſtors and himſelf had ſo long enjoyed.

A. D. 1278. Rym. ii. 126.

It is probable, that the homage paid by Alexander to Edward in the following year, was the conſequence of this controverſy *; although it is not diſtinctly

‡ He was called Robert de Inſula, and ſucceeded Robert de Stichill. The Waverley annaliſt calls him Robert de Halicland. He was probably a native, or monk of Holy Iſland. Whart. Ann. Waver. 229.

§ The biſhops of St. Andrews and Dumblane, Robert de Brus earl of Carrick, and Richard de Stratun.

* The Engliſh annaliſts take no notice of this controverſy between the king of Scotland and biſhop of Durham; and give no preciſe account of the reaſon of the renewal of Alexander's homage at this time. Thomas Wikes, a cotemporary, and who gives the moſt particular account of this homage, ſays, That he knows not whether willingly, or otherwiſe, Alexander came into England, and in every thing complied with the king of England's demands. He adds, "et ut tantæ "deditionis triumphus noſtros regnicolas non lateret in poſterum, rex Scotorum regi noſtro fecit "homagium, hoc cum obtento, quod de cætero, ubicunque in regno Angliæ poſſet inveniri, ibidem "ſuorum et poſterorum ſuorum homagium rex et poſteri ſui recipere non differrent, pactis quoque "ſuper hoc firmiſſime ſolidatis." Carte, from ſome MS. authorities in the Tower of London, ſays, That Alexander waited on Edward at Tewkſbury on October 16, and offered his homage there; but that Edward declined receiving it, becauſe he had not his council with him. And in the liſt of Engliſh papers, found in the Scottiſh archives in 1282, there is the title of a letter from the king of England, declaring, That it ſhould not be to the prejudice of the king of Scotland, that the reception of his homage was prorogued from Tewkſbury to London. This is ſomething like the grant which Wikes mentions, and ſneers at in the above quotation. More than ſix months before this homage was performed, king Alexander had ſent ambaſſadors *(ſolemnes nuncios)* to Edward, offering homage under a certain condition *(conditione aliqua)*; and Edward accepted of the offer, and appointed it to be performed at London, fifteen days after Michaelmas. This Edward writes to his ambaſſadors in France; and his expreſſion ſeems to import, that he had intimated the acceptance of Alexander's offer, on the condition on which it was made. Carte, therefore, ſeems to be inaccurate, in ſaying, That Alexander at laſt agreed to *do homage, without any condition*. Wykes farther ſays, That the king of Scots, on the ſummons of Edward, came into England, to renew in perſon the homage he had paid to king Henry, for the lands nigh the borders of Scotland that he held of him: and this is agreeable to the famous letter of Pope Boniface, ſent to Edward I. in 1300; which letter ſays, That the homage now paid, was for the lands of Tindale and Penrith. Rym. ii. 109. Chr. T. Wykes, 107. Carte, ii. 187. Fordun placing this homage in 1277, ſays, That king Alexander going that year on a pilgrimage to St. Thomas of Canterbury, paid his homage to

Rym. ii. 844. Bel. p. 420.

ſtinctly related, how the controverſy was conducted to that iſſue. This homage was performed in the preſence of an Engliſh parliament, held in the palace of Weſtminſter, after Michaelmas. Alexander appearing there in perſon, declared, that 'he became the liege-man of the king of England 'againſt all people': which homage the king of England received, 'reſerving 'the right and claim of himſelf and his heirs, to the homage of the Scottiſh 'king and his heirs, for the kingdom of Scotland, when they ſhould incline to 'treat of that matter.' The king of Scotland next offered to Edward his fealty, but begged he might be allowed to make it by the mouth of Robert Brus, earl of Carrick; which Edward, 'of ſpecial favour, granted for that 'time.' Whereupon Robert de Brus, at Alexander's requeſt, and receiving power from him to ſwear upon his ſoul, did accordingly ſwear, that Alexander ſhould "bear good faith to lord Edward king of England, of life, limbs, "and earthly honour, and faithfully perform the ſervices due for the lands "and poſſeſſions he held of the king of England;" which fealty ſo ſworn in his name and ſtead, king Alexander did immediately confirm and ratify.

Alexander III. K. of Scotland. A. D. 1278. Rymer, vol. ii. p. 126.

The matters in diſpute between the king of Scotland and biſhop of Durham had been under conſideration of that Engliſh parliament before which Alexander performed his homage, and afterwards had been heard before king Edward and his council, in preſence of certain deputies conſtituted by king Alexander for that purpoſe, upon his leaving the Engliſh court; and ſome articles had been agreed on, for terminating the ſtrife between the king and prelate. But as the carrying of theſe articles into execution, and a more particular examination of the matters in debate, required the preſence of proper judges on the ſpot, the king appointed the biſhop of Norwich, and three other delegates *, to repair, in the middle of Lent, to places in Northumberland contiguous to the diſputed claims of each party; and to hear, reform, and terminate their controverſies, according to what had been concluded and agreed in the Engliſh parliament and council, and as to their own diſcretions ſhould appear moſt expedient.

Rym. vol. ii. p. 129.

king Edward, with a ſalvo of all his dignities, as he had done with his father, for the lands and lordſhips of Penrith, and ſeveral others, which king Henry had given him in marriage with his daughter Margaret queen of Scotland now deceaſed, alſo for other lands and ancient honours, formerly held by his predeceſſors the kings of Scotland; except the earldom of Huntingdon, which Edward in fact retained to himſelf, as Henry had done before him. Ford. l. 10. c. 36.

Nicholas Trivet, a cotemporary of Edward, copied by Walſingham, ſays, That Alexander came into England, to conſult with Edward about the weighty affairs of his kingdom. Some, he adds, think that Alexander performed homage at that time; which others affirm more truly, to have been done on the day following the king of England's coronation. But he adds a circumſtance not mentioned by Wykes, viz. That Alexander obtained from Edward letters teſtifying that the aid given by the former in the war of Wales, was not in the name of ſervice. This is perhaps the letter in the liſt of papers in the Scottiſh archives, ſo often already referred to, intitled, *Litera Edwardi de ſuccurſu petendo a Rege Scotiæ.* (It is added, *et eſt duplicata.*) Triv. Ann. 252. Walſingh. Ypod. Neuſtr. p. 474. Rym. ii. 217.

Trivet, prior of the Dominicans at London, died about the age of 70. An. 1328. Teſtim. Annal. Præf.

* The three other delegates were, John de Veſey, Maſter Robert de Scardeburg, and Thomas de Normanvill. The commiſſion alſo mentions, that the king had commanded his ſheriff of Northumberland, to cauſe ſo many, and ſuch knights, &c. to attend them, at the times and places they ſhould appoint, as might be neceſſary for the better diſcovery of the truth in this matter. Rym. ib. 130. Fordun mentions the ſheriff of Newcaſtle, as one of the Engliſh commiſſioners that came to Tweedmouth.

Theſe

Edward I. K. of England.

A. D. 1279. Ford. l. 10. c. 31.

Theſe commiſſioners, and along with them, according to Fordun, the biſhops of Durham, came to Tweedmouth; while, at the ſame time, the biſhops of St. Andrews, Glaſgow, and Dumblane, together with certain Scottiſh earls and nobles, convened at Berwick, to treat with the former concerning the diſputed boundaries. But the commiſſion of the Engliſh delegates gave them the full powers above deſcribed, without making the leaſt mention of their negociating, or acting in concert with the commiſſioners from the king of Scotland. It ſeems not improbable, that the Scots remonſtrated againſt this manner of proceeding as a plain uſurpation; and that their refuſing to acknowledge the authority which the Engliſh commiſſioners would no doubt claim in virtue of their commiſſion, was the reaſon that the matters in diſpute were not at that time ſettled.

It is probable, that the feeble and dependent ſtate into which Edward had brought the prince of Wales by a ſucceſsful war, and by a peace, the conditions of which Edward himſelf dictated *, ſerved to inſpire or foment his ambition of extending his ſovereignty over the whole iſland. On the other hand, the king of Scotland, though jealous of his independency, was yet willing, for the ſake of maintaining peace with a prince with whom he had been ſo long and intimately connected, and who was ſo much his ſuperior in power, to make all the conceſſions that were anywiſe compatible with the rights of his crown: contenting himſelf with theſe conceſſions for the preſent, Edward waited a more proper ſeaſon for fully effectuating his aims on the ſide of Scotland. In the year after that in which Alexander did him homage, he paſſed over to France to viſit king Philip, the lord paramount of his foreign dominions; and concluded a peace with that monarch, ſettling all their differences which had not till that time been wholly adjuſted. And, in the four years of foreign and domeſtic peace, which England enjoyed between the concluſion of the firſt and beginning of the ſecond war of Wales, Edward employed himſelf very diligently in augmenting the interior ſtrength and order of his kingdom, by making, with the advice of his council, many good and uſeful laws.

A. D. 1280.

During the interval juſt mentioned, and ſoon after it, the royal family of Scotland was reduced to extreme weakneſs. The firſt diminution it ſuffered, was by the death of David the youngeſt of Alexander's children. After this prince's death there remained Alexander, apparent heir to the crown, and the princeſs Margaret. In the year following David's death, a marriage was concluded between this princeſs, then twenty years old, and Eric king of Norway,

A. D. 1281.

* Beſides the evidences of Edward's intention to eſtabliſh his ſovereignty over Scotland, ariſing from the ſalvo with which he received Alexander's homage, from his manner of proceeding with regard to the ſtrife between the king of Scotland and biſhop of Durham, and the tenor of the commiſſion he gave for terminating it; this view farther appears from a particular inſtruction given to the biſhop of Norwich, who is the firſt perſon in that commiſſion, to make diligent inquiry concerning the homage and all circumſtances relating to it, in the moſt cautious and ſecret manner he could, but to take no ſtep about it, without a ſpecial order from the king. Rym. vol. ii. p. 130. It had probably been in conſequence of this order to Norwich, or ſome like order, that the papers in the archives at Edinburgh had been viewed by ſome agent of the king of England, and the catalogue ſent of them which is in Rym. ii. 215,—219.

a boy

a boy not yet fourteen years of age, who had lately ſucceeded his father Magnus. The contract for this marriage * was drawn up at Roxburgh, the parties on one ſide being the king of Scotland in the name of himſelf and daughter, with the conſent of his ſon lord Alexander, and his whole council; and on the other ſide, the biſhop of Orkney and three others, as procurators and ſpecial meſſengers of Eric king of Norway. The princeſs, with a ſplendid retinue, accompanying her from Scotland, had a ſpeedy and proſperous paſſage to Norway; where, ſoon after her arrival, ſhe was married and crowned. But, in the twentieth month from her, leaving Scotland, ſhe died, after having brought forth a daughter that ſurvived her and was called by her name. Alexander prince of Scotland, in the year after the marriage of his ſiſter, took to wife Margaret †, a daughter of the earl of Flanders. The nuptials were celebrated at Roxburgh by a feaſt that continued fifteen days, at which were preſent many prelates and nobles of the kingdom. But this was a ſhort lived joy; for Alexander died ‡ in the following year, before he had completed

Alexander III. K. of Scotland.

1281. Rym. ii. 1073. Ib. 218. July 25th.

Ford. l. 10. c. 37.

A. D. 1283. April 9th. Ford. l. 10. c. 37. Rym. tom. ii. p. 209. Ib. 613.

* The dowry of Margaret was 14,000 merks ſterling, (28,000 *l.* preſent money,) one fourth of it to be ſent over with her, and the remainder to be paid in three years, at Lammas in each year. The king of Scotland had it in his option to give land for the half of it laſt payable, at the rate of 100 merks rent *per ann.* for each 1000 *l.* in the principal ſum. The jointure ſettled by the king of Norway was 1400 merks *per ann.* In caſe alſo of the king's dying firſt, half of her (Margaret's) dowry was to be repaid her, in two years after his death. If, on that event, ſhe left the kingdom, the place of repayment was to be Berwick. This was alſo appointed to be the place of paying the forfeiture of 100,000 *l.* ſterling by the king of Norway, if he ſhould violate this contract, before or at his arriving to the age of fourteen; the king of Scotland incurring, for the violation of it, a forfeiture of the ſame ſum to be paid at Bergen in Norway. But for theſe ſums there was an alternative on each ſide; of the Orkneys, and an annual tribute of 100 merks for the Weſtern Iſles, on the part of the king of Norway; and of the Iſle of Man, on the part of king Alexander. Six hoſtages for the king of Norway's fulfilling this contract, were to be delivered to king Alexander at Berwick, and to be reſtored at the ſame place, upon their maſter's attaining the age of fourteen, and making good the contract, under the forfeiture of 100,000 l. or the Iſle of Man. Twelve of Alexander's chief nobles ſwore, that they would take care and procure that their king ſhould fulfil this contract. Among theſe were Patrick earl of Dunbar, and his ſon of the ſame name.

The original from which this is publiſhed in Rymer, is indorſed, *ſcriptum cirographatum apud Berewyc*, and there is added *duplicatum*; *ſet alterum eorum fuit miſſum in Norwegiam*; *ſet fuit reportatum et ſubmerſum cum nuntiis regis.*

† On the marriage-day, the king aſſigned to his daughter-in-law as her dowry 1300 merks (2600 *l.* ſterling), to be received at the town of Berwick, and the manor of Linlithgow, to which manor belong 200 merks *(ad quod manerium pertinent ducentæ marcæ).* The whole ſum of 1300 merks was to be paid out of theſe farms [conſequently that of Berwick was worth 1100 merks]. Two procurators from the earl of Flanders, John Vicecomes de Pinkeney and Razo de Gour, came to John Baliol's parliament held at Stirling, on the morrow of Lammas 1293, to demand in a friendly way, the arrears of this ſum due ſince the death of king Alexander. Margaret, prince Alexander's widow, had been married to the earl of Gueldres, and her huſband and ſhe had given letters patent to the earl of Flanders and his wife, granting them power to receive from the king of Scotland the abovementioned rent for their own behoof; and the earl of Flanders gave his letter to the two perſons abovementioned, to receive the money in his name. The king delayed giving an anſwer until he ſhould adviſe with his friends and relations in England, whither he was going to attend Edward's parliament after Michaelmas, and promiſed a friendly anſwer at his own firſt parliament, after his return from England. Rym. ii. 613.

‡ It appears, that the prince of Scotland had laboured under ſome dangerous diſtemper before his marriage. There is a letter from him to the king of England in Rym. tom. ii. p. 209. entreating that king's favour for Adam de Kertadbricht, the prince's phyſician, who had brought

Edward I. K. of England.

completed the twentieth year of his age; and there was no iſſue from his marriage. Thus was the king of Scotland deprived of all his children; and the only legitimate deſcendant that remained to him, was the infant princeſs of Norway. To her and her heirs, on the event of his dying without any lawful heirs of his own body, he endeavoured to ſecure the ſucceſſion of his crown, by obtaining a written obligation from the great men of his kingdom *; binding themſelves and their heirs, on the event juſt mentioned, to acknowledge the princeſs of Norway as their queen; ſubjecting alſo themſelves and their heirs, for the enforcement of this obligation, to the coercion and cenſures of the biſhops of their own country.

A. D. 1281. Feb. 5th. Rym. tom ii. p. 265, 279.

While the royal family of Scotland underwent the revolutions above recited, Lewellin prince of Wales, being reconciled to David, his brother and apparent heir, who had been long at violent ſtrife with him, and had received protection and great favours from the king of England, the two brothers, at the head of the remains of the ancient race of Britons, made a laſt and deſperate effort for regaining the liberty and independence of their country, and for revenging the indignities they had ſuffered from the Engliſh, eſpecially ſince the concluſion of the laſt peace. But the genius and greatly ſuperior power of Edward ſtill prevailed againſt them. Lewellin emboldened by ſome tranſient ſucceſſes to leave the faſtneſſes of Snowdon, was ſuddenly attacked, his forces routed, and himſelf ſlain as he fled. In the following ſummer, his brother David, with his wife and children, being ſeized by ſome of his own countrymen, was delivered into Edward's hands. He was ſoon after brought to his trial, before an aſſembly of Engliſh peers and barons, who condemned him to ſuffer an ignominious death; and the ſentence was executed without mitigation. The Welch being thus bereaved of the ancient race of their princes, ceaſed to make farther reſiſtance, and were entirely ſubdued, after their principality had maintained itſelf againſt the Saxon and Norman race of kings for more than eight hundred years. The wiſdom and induſtry of Edward were, during the remainder of that year, and all the following, employed in ſettling the conquered territories under the police and laws of England, and in endeavouring to reconcile to his government the minds of his new ſubjects. During this long abode he made in Wales, his queen bore to him his ſon Edward, at the caſtle of Caernarvon; to whom for the ſake of pleaſing the Welſh, by ſetting over them a prince born in their own country, he gave the title of prince of Wales.

A. D. 1282.

A. D. 1283.

A. D. 1284. April 25.

While the fecundity of Edward's queen † *did thus* repair the loſs of ſeveral children who died young, the king of Scotland being ſtill of an age that

him back from the gates of death. This man had been phyſician to Robert de Brus, and had livings in England; in the poſſeſſion whereof he was troubled by the biſhops of Norwich and Lincoln, on account of his non-reſidence.

* This obligation is given by thirteen earls and twenty-five knights and barons. The firſt in the liſt is Alexander Cumin earl of Buchan, conſtable and juſticiary of Scotland, the ſecond is Patrick earl of Dunbar, William de Soulis, claſped among the knights, was at that time juſticiary of Laodonia. Several parts of this obligation are effaced.

† Queen Eleanor bore to Edward four ſons and eleven daughters. Three of the ſons died in Infancy or childhood, as did alſo ſeveral of the daughters. Carte, i. 304.

encouraged

encouraged the hope of his renewing his almoſt extinguiſhed race, by the advice of his prelates and nobles, reſolved to enter again into the matrimonial tie. The wife he now made choice of, was Jolet or Jolande, the daughter of the count of Dreux; to conduct whom into Scotland, he ſent over to France, early in the year 1283, his chancellor Thomas Charteris, and three other envoys *. The beautiful bride, with a ſplendid retinue of perſons of both ſexes from her own country, arriving in ſafety, the marriage was celebrated at Jedburgh, on St. Calixtus's day, and on that occaſion, there was ſuch ſplendor and variety in feaſts and diverſions †, as had not been before ſeen in Scotland. Jedburgh was, in thoſe days, thought ſo beautiful a place as to be peculiarly fit for the exhibition of ſo much royal magnificence. But beginnings ſo joyful and promiſing, ſoon iſſued in ſorrow and diſappointment. For, in the ſpring of the following year, the good king was ſuddenly killed by a fall from his horſe, as he was about to enter the town of Kinghorn in Fife ‡.

Alexander III. K. of Scotland.

1284. Ford. l. 10. c. 39, 40.

A. D. 1286. March 19.

About two months after the king of Scotland's death, king Edward paſſed over to France, at the requeſt of Philip the Fair, who, in the preceding year, had ſucceeded to the throne of his father. This prince being only about ſeventeen years old, and left by his father engaged in an unproſperous war with the kings of Caſtile and Arragon, had recourſe to the king of England as a mediator of peace between him and theſe princes; and Edward's interpoſition ſoon produced the deſired effect. A treaty was alſo concluded between Edward and Philip, confirming thoſe which Edward's father and himſelf had made with Philip's father and grandfather. After which, Edward went to viſit his dominions in Guienne, where he ſpent about three years. Having been ſeized while there, with a dangerous diſtemper, and recovering from it, he aſſumed, in teſtimony of his gratitude, the croſs for an expedition to the Holy Land: but ſucceeding circumſtances and events, particularly thoſe reſpecting Scotland, hindered him from accompliſhing his vow. He alſo ſpent much time, while in France, in mediating an agreement between Alphonſo king of Caſtile, and Charles prince of Salerno heir to the kingdom of Naples; who, being Alphonſo's priſoner, did, by Edward's mediation, regain his liberty.

* Theſe were, Patrick de Graham, William de St. Clair, and John de Soulis. Fordun calls Joland *dominarum ſpecioſiſſimam.*

† Fordun ſpeaks with wonder of an exhibition accompanied with great variety of muſic; in which were military dances and a proceſſion that was cloſed by the ſemblance of a ſpectre; on the vaniſhing of which the muſic and whole action ceaſed in an inſtant. The deſcription is ſcarce intelligible. Ford. l. 10. c. 40.

‡ Being delayed in croſſing the Forth at Queen's Ferry until day-light was gone, and the night being dark, he was adviſed by his attendants to ſpend it at Inverkeithing; but rejecting their counſel, he puſhed on with all the ſpeed he could to Kinghorn; when he was near the weſt end of that town, his horſe tumbling in the ſand, he fell, and his neck being diſlocated by the fall, and no ſeaſonable help given by his attendants, he expired. Thomas, ſirnamed the Rymer, a native of Erſilton in the Mers, being at that time in the caſtle of Dunbar with the earl of March, is ſaid to have foretold this event. Ford. l. 10. c. 43. Thomas is called by the hiſtorian, *ille ruralis vates.* Hemingford ſays, that the king was haſtening to viſit his new queen, being at a few miles diſtant from him, in the holy time of Lent. Tom. i. p. 29.

Edward I. K. of England.

1286. April 2.

The eſtates of Scotland, having convened at Scone, ſoon after Alexander's death, to provide for the ſafety of their deſolate country, made choice of ſix guardians, William Fraſer biſhop of St. Andrews, Duncan earl of Fife, and John Comyn earl of Buchan, Robert biſhop of Glaſgow, Lord John Cumyn, and James Stewart of Scotland; the three firſt named, to have the charge of the ports to the north, and the other three of thoſe to the ſouth of Edinburgh-Frith. Theſe ſix perſons were to have the adminiſtration of public affairs, while Margaret remained in Norway, or until the queen-dowager, who was thought pregnant, ſhould be delivered of an heir to the crown. The latter hope failing, by the queen's either proving not with child, or loſing it by abortion, the next heir to the crown, recognized as ſuch by the ſtates of the kingdom, before the late king's death, was Margaret, the infant daughter of Eric king of Norway.

If any ſteps were taken by the eſtates or guardians of Scotland, for three years ſucceeding king Alexander's death, to bring over their queen, they appear not from any authentic monuments *. The firſt trace of any meaſures having this tendency, appears in a commiſſion given to certain ambaſſadors from Eric to the king of England, in the ſpring of the third year that Edward ſpent in France. Theſe ambaſſadors had full powers to treat with Edward concerning certain affairs reſpecting Eric himſelf, his daughter the queen of Scotland, and her kingdom. Edward was the ally and good friend of Eric, as he had been of his father; and Eric choſe to avail himſelf of the protection and aid of ſo great a prince, and who ſtood in ſo near a relation to his daughter, to put her in the poſſeſſion of her crown, and to defend her tender age from the hazards to which the factions and diſſenſions that prevailed among her ſubjects expoſed her. Ambaſſadors had alſo been ſent from the regents and parliament of Scotland to Edward, while in France, to requeſt his counſel and aid for compoſing the ſtrifes and diſtractions that prevailed in their country †.

A. D. 1289.

Rym. tom. ii. p. 416.

Not

* It ſeems evident that at leaſt a powerful party of the Scottiſh nobles were againſt receiving Margaret as their queen. Eric, her father, chargeth them expreſsly with this in his petition to Edward at Berwick, in 1292; and Dugdale gives an account of a compact made in the September after king Alexander III.'s death, in 1286, between Richard de Burgh earl of Ulſter, and Thomas de Clare (*a*) brother of Gilbert earl of Glouceſter (who married Joanne de Acres the king's daughter), on the one part, and Patrick earl of Dunbar, with his three ſons Patrick, John, and Alexander; Walter Stuard earl of Monteith, Alexander and John his ſons; Robert Brus lord of Annandale, together with Robert Brus earl of Carrick, and Bernard de Brus, his ſons; James Stuard of Scotland, and John his brother, Eneguſius ſon of Donewald, and Alexander his ſon (*b*), that they would thenceforth adhere to and take part with one another, upon all occaſions and againſt all perſons whatſoever; ſaving their allegiance to the king of England, and their fidelity to him who ſhould gain the kingdom of Scotland, by right of blood from king Alexander, then lately deceaſed. This agreement bears date at Turnebyrie in Carrick, on the eve of St. Matthew the Apoſtle 1286, September 20. Dugd. i. 216. *In Marg. ex ipſo autographo penes Auguſtinum Styward de Lakyngheth in Com. Suff. Ann.* 1575.

(*b*) The Scots contracting lords are thoſe of the weſt and ſouth of Scotland, neareſt the north of Ireland.

† Fordun mentions an embaſſy of this nature ſent to Edward in France, from the guardians and the parliament at Scone, that made choice of them: in which parliament, he ſays, the right of ſucceſſion to the crown of Scotland was ſharply diſputed between Robert Bruce and John Baliol. The queſtion then agitated muſt have been, which of them was neareſt heir, on the failure of male iſſue

Ford. l. 11. c. 3. 2.

(*a*) Robert de Brus had to wife Iſabel, one of the daughters of Gilbert of Glouceſter and Hertford, which earl died in Brittany, *ann.* 1229. This Thomas de Clare was her nephew: he died next year, 1287, 2d Sept. Dugd.

from

Not many weeks after Edward's return from France to England, the guardians of Scotland, at the requeſt and inſtance of the Engliſh king, gave a commiſſion to the biſhops of St. Andrews and Glaſgow, Robert Bruce lord of Annandale, and John Comyn, to treat, in the preſence of Edward, with the Norwegian ambaſſadors, concerning certain matters propoſed to Edward by theſe ambaſſadors; and empowering them to ratify what both parties ſhould in his preſence agree to; but with a ſalvo, conceived in the ſtrongeſt terms, of the liberty and honour of the kingdom of Scotland. With theſe Scottiſh commiſſioners, and the Norwegian ambaſſadors, Edward appointed two of his biſhops and as many earls to treat concerning the affairs in queſtion. All theſe negociators meeting at Saliſbury, after various debates, agreed, that the queen of Scotland ſhould, before the feaſt of All Saints in the following year, come into England or Scotland, free from any contract of marriage. This the Norway ambaſſadors engaged to procure. The king of England, for his part, engaged that, if the queen of Scotland ſhould come thus free into his hands or cuſtody, ſhe ſhould be ſent, in the ſame ſtate of liberty, into Scotland; provided that the tranquillity of that kingdom were eſtabliſhed, and her ſubjects requeſted the king of England to ſend her; and with the farther condition, that the Scots ſhould give ſecurity to the king of England, not to give their queen in marriage, without his advice and conſent, and the aſſent alſo of her father the king of Norway. The Scottiſh commiſſioners engaged for themſelves and countrymen, that the quiet of the kingdom of Scotland ſhould be eſtabliſhed, before the queen's arrival in it; ſo that ſhe might enter it with ſafety, and continue in it at her pleaſure. Guardians or other publick officers in Scotland were to be removed, if troubleſome or dangerous to the queen, or her friends of Norway; and better men of the kingdom of Scotland to be put in their place, by the advice of the ſtates of Scotland and Norway, and alſo of commiſſioners appointed for that effect by the king of England; which commiſſioners, where the Scots and Norwegians could not agree, were to decide, by their opinion, the matters in diſpute. And all diſputes, which the Scots could not terminate among themſelves, were to be referred to the Engliſh and Norwegians. Finally, the parties agreed, that, in the middle of the enſuing Lent, the eſtates of Scotland ſhould be at Roxburgh and its neighbourhood; and that deputies from the king of England, nominated at the requeſt of the Scots and Norwegians, ſhould be, at the ſame time, at Wark and Carham; at which time the Scottiſh commiſſioners engaged, that every thing to which they had now conſented, ſhould be fulfilled and ratified in the preſence of the Engliſh deputies.

Interregnum in Scotland.

1289. Oct. 3d. Rym. tom. ii. p. 431.

Nov. 6.

For the better carrying into effect this convention at Saliſbury, Edward, immediately on its being concluded, ſent a letter to the eſtates of Scotland, beſeeching

Rym. tom. ii. p. 445.

from queen Jolande; or the death, without iſſue, of the maid of Norway. The ambaſſadors, who, according to Fordun, were ſent to Edward, were the biſhop of Brechin, the abbot of Jedburgh, and Geoffry de Moubrai; and he relates that theſe ambaſſadors, having found Edward in Saintonge (*apud Sanctones*), returned with his anſwers (it is not ſaid what they were) to Scotland, and arrived on St. Catherine's day at Clackmannan, where the guardians of the kingdom were aſſembled, waiting for queen *Jolande*'s bringing forth a child. But he adds, that no child being born, the king of England joyfully returned to his kingdom, &c. Fordun is here much miſtaken as to time; for Edward did not return to England till almoſt three years after the birth expected from Jolande.

Jolette (in Carte)

Edward I. K. of England. 1289.

beſeeching and requiring them to be obedient to the guardians of their kingdom, appointed in the name of his couſin the queen; and notifying to them, that he purpoſed to ſend ſoon into Scotland ſome of the members of his council, who, in conjunction with the guardians, might inform him concerning the ſtate of that kingdom, to which he always wiſhed peace and tranquillity. Edward alſo delivered to the envoys of Scotland and Norway, a written conceſſion or obligation, promiſing, if the queen of Scotland came into his kingdom free from any matrimonial contract, to ſend her into Scotland in the manner and on the conditions fixed by the convention at Saliſbury: only the conſent to her marriage, which that convention makes neceſſary to be given by the king himſelf, is, in this deed, extended to the king's heirs, in caſe of his deceaſe; and to the guardians of his kingdom, if he ſhould be abſent in foreign parts.

Rym. tom. ii. p. 448.

Nov. 16. Ibid. 450.

Very ſoon after the convention at Saliſbury, Edward obtained from Pope Nicholas IV. a diſpenſation for the marriage of his ſon prince Edward with the queen of Scotland, who was related to that prince in the third degree of conſanguinity; and probably with a view to facilitate the obtaining of this diſpenſation, Edward paid ſix years of arrear of the annual tribute due for his kingdom to the Roman ſee *. A numerous meeting of the community of Scotland, which, in purſuance of the laſt article of the convention at Saliſbury, aſſembled at Brigham, a village on the north ſide of the Tweed, over-againſt Wark, and a few miles below Roxburgh, being informed of the papal diſpenſation for a marriage of their queen with the prince of England, concurred in a letter † to the Engliſh king, declaring their approbation of the intended match, upon condition of Edward's giving them ſecurity for certain matters relating to the ſtate of their country; for tranſacting which they were to impower and commiſſion delegates to wait on him, at his parliament to be held next Eaſter at London. At the ſame time, this aſſembly wrote a letter to the king of Norway, informing him of their having given their conſent to the propoſed marriage; and requeſting him to ſend over his daughter as ſpeedily as poſſible to England; at the lateſt, before the feaſt of All Saints, agreeably to the convention at Saliſbury ‡.

A. D. 1290. March 17th.

April 10. Rym. tom. ii. p. 474.

To negociate the marriage and all circumſtances relating to it with the king of Norway, Edward gave full powers to Anthony Bec biſhop of Durham. He alſo wrote to Eric, requeſting him to make no delay in ſending his daughter over to England; as the way to a matrimonial union fraught with ſo great benefits to each nation was happily paved by the papal diſpenſation and the unanimous conſent of the nobles, prelates, and whole community of Scotland.

* This was the laſt payment of the kind that Edward made. Carte, ii. 810.

† There join in this letter twelve biſhops, all that then were, except Whithern, twelve earls, twenty-three abbots, eleven priors, and fifty barons. Included in this number are the four regents, viz. the biſhops of St. Andrews and Glaſgow, John Comyn, and James Steward of Scotland. This letter, as well as that to the king of Norway, is in French. They write, *En nom de nous et de toute la commune.*

‡ They tell Eric, that if he did not comply with their requeſt, they would find it requiſite to take the beſt counſel that God ſhould give them for the ſtate of the kingdom and good people of the land.

Soon

Soon after Edward gave an obligation, which the biſhop of Durham, together with the earls of Cornwall and Warrene had engaged to obtain from him, to the envoys from the eſtates of Scotland, who came to the king at his parliament after Eaſter; declaring that, in caſe the queen of Scotland came not into England or Scotland before the feaſt of All Saints next enſuing; or if the king of Norway gave not ſufficient ſecurity, by his oath and letters patent, and thoſe of ſome of his principal barons and prelates, to ſend his daughter into England or Scotland before the aforeſaid term, unleſs hindered by ſome lawful impediment, the king of England ſhould, at Martinmas next, cauſe to be paid to the guardians of Scotland *, at Berwick, the ſum of 3000 merks.

Interregnum in Scotland.

1290. May 15. Rym. tom. ii. p. 479.

The delegates from the aſſembly of the Scottiſh eſtates, held at Brigham in March, had not been furniſhed with ſufficient powers; or at leaſt Edward alleged ſome defect in them, as an excuſe for not giving an explicit anſwer to ſome articles propoſed by thoſe delegates. But as it was neceſſary to ſatisfy the Scots with regard to the ſecurities they demanded, Edward gave full powers to the biſhop of Durham and five others †, to make ſufficient anſwers in his name to every thing that the delegates had laid before him at London. Accordingly, all theſe commiſſioners attended an aſſembly of the Scottiſh eſtates, which met at Brigham, about the middle of July, and ſolemnly aſſented, in their maſter's name, to every important requiſition made by the Scots, for ſecuring, on all events, the independency of Scotland, and its dignity and rights as a diſtinct kingdom, in matters civil and eccleſiaſtical, and for obviating the inconveniencies, delays of juſtice, and oppreſſions, that might ariſe from their ſovereign having his ordinary reſidence in a different kingdom. In particular, it was granted, that the chapters of *churches* ‡, where elections were free, ſhould not be obliged to go out of the realm to aſk licence of electing or preſenting; nor tenants *in capite*, for paying their homage, fealty, or reliefs; nor widows, for their dower; with an exception of ſuch homage as was neceſſary to be rendered in the king's preſence. For all theſe purpoſes ſome perſon was to be deputed to repreſent the queen and prince. Nor was any one to be obliged to anſwer, without the limits of the kingdom of Scotland, for any contract entered into, or offences committed in that kingdom, or in any other caſe whatever. In the following articles mention is made of the marches between the kingdoms. The rights, laws, liberties, and cuſtoms of the kingdom of Scotland, were to be, in all time coming, inviolably obſerved through the whole kingdom and its marches; with a ſalvo of the right that the king of England, or any other perſon, might have to any thing on the marches, or elſewhere, before the time of the preſent conceſſion, or that they might afterwards juſtly acquire. The ſame ſalvo was added to a following article; wherein it was promiſed, that the kingdom of Scotland ſhould remain ſepa-

June 20. Rym. tom. ii. p. 480. Ibid. 482, 483, 484.

* *To be paid*; the original is *refundi et reſtitui*; and the perſons who were to receive it, in name of the guardians, were the envoys to whom this obligation was given.

† Theſe were, Ralph biſhop of Carliſle, the earls of Warrenne and Lincoln, William Veſey (of Alnwick) knight, and Mr. Henry Newark dean of York.

‡ Cathedral, collegiate or conventual.

rated,

Edward I. K. of England 1290.

rated and divided, and free in itſelf from all ſubjection to the kingdom of England, according to its right marches, as in times paſt. But it being propoſed by the Scots, that caſtles and fortreſſes ſhould not be fortified anew on the marches, the Engliſh commiſſioners declared, that on this head they were not adviſed; and could not impoſe ſuch a reſtraint on their king and his ſubjects, as to hinder their erecting places of ſtrength, in the ſame manner as had been done by their anceſtors, and thereby to render them leſs free in that reſpect than their neighbours in Scotland. By another article it was granted, that no Scottiſh parliament ſhould be held without the kingdom, or its marches, for treating of the affairs of the kingdom, its marches, or inhabitants.

To the articles contained in this grant, and in the other inſtruments relating to the marriage, the guardians and community of Scotland declared their full conſent; on condition that they ſhould be ratified by the king of England before the feaſt of the Virgin's Nativity; otherwiſe they were to be void: but Edward ratified them within the time limited.

At Northampton, 28 Auguſt.

July 31. Rym. tom. ii. p. 486.

The guardians and eſtates of Scotland, at a meeting held at Kelſo, a fortnight after that at Brigham, appointed three plenipotentiaries * to treat with Edward concerning the affairs of their queen and kingdom; ſtill inſerting in their commiſſion a ſalvo, expreſſed in the ſtrongeſt terms, of the rights and liberties of the realm. Edward gave theſe commiſſioners a meeting at Northampton, and endeavoured to perſuade them, and ſome in their company who had the keeping of certain Scottiſh caſtles †, to deliver theſe fortreſſes into ſuch hands as he ſhould appoint. But with this requeſt they would not comply; and Edward agreed that this delivery ſhould be delayed until the arrival of the Scottiſh queen; upon which arrival, the plenipotentiaries and keepers aboveſaid engaged to deliver the caſtles they poſſeſſed to the queen and her huſband.

28 Aug. Ibid. 488.

Ibid. 487.

At this ſame meeting Edward gave powers to Anthony biſhop of Durham, John biſhop of Glaſgow, John earl of Warrene, John Comyn, and Henry Newark dean of York, to ſettle with the king of Norway every thing that related to the marriage; and a proxy was given to each of the three Engliſhmen in this commiſſion, to contract, in the name of prince Edward, marriage with the young queen. Edward alſo, in fulfilment, as he alleged, of the oath by which he ratified the conceſſions made in his name at Brigham, and which obliged him to obſerve the laws and cuſtoms of the kingdom of Scotland, appointed a lord-lieutenant of that kingdom, in name of the young queen and her deſtined huſband. The perſon on whom he conferred this dignity, was the biſhop of Durham; and his charge was to adminiſter juſtice and rectify diſorders, in concert with the guardians, prelates, and great men of the kingdom.

Ibid. 489.

By theſe tranſactions a moſt promiſing foundation was laid for bringing the whole iſland under ſubjection to one ſovereign. Edward and his deſcendants would thus have fairly and eaſily obtained an increaſe of dominion more worthy

* Theſe were, the biſhops of Glaſgow, Caithneſs, and John Comyn.

† Theſe were, William de Sinclair, Patrick de Graham, and John de Soules. It is not ſaid of what caſtles they were the keepers.

of their ambition than any other. The inward peace of the iſland would have been ſecured; and thoſe cruel and ever returning wars prevented, to which the places on the borders of the two kingdoms owe their chief fame. But the time prefixed by Heaven for the attainment of theſe bleſſings was yet at a great diſtance. The death of the young queen, in one of the Orkney Iſlands, as ſhe was on her voyage towards her own kingdom, defeated the intended marriage: and Edward, unable to check his ambition, and relinquiſh his darling project of extending his dominion over the whole iſland, engaged in methods of effecting it, which changed the peace that had long ſubſiſted between the nations, into ſuch bitter diſſenſions and cruel wars as had not been formerly known; and from which ſuch alienation and animoſity aroſe, as could not be extinguiſhed in the courſe of many ſucceeding generations.

Interregnum in Scotland. 1290.

The Scottiſh plenipotentiaries who had been with king Edward at Northampton, returning to their own country, made report to a convention * at Perth, of the anſwer given by the king of England to their demands. The biſhop of Durham and earl of Warrene did alſo go into Scotland, and being informed that ambaſſadors from Norway, with their charge the Scottiſh queen, had arrived in Orkney, which was then ſubject to the kingdom of Norway, they purpoſed to go thither, in order to conclude with theſe ambaſſadors every thing neceſſary to the queen's reception and marriage. But juſt about this time a report was ſpread of her death; upon which Robert Brus, who had not intended to go to the convention at Perth, did, *on the requeſt of ſome* †, immediately repair thither, with a powerful retinue. *Several of the nobles ſhewed their inclination to ſupport him, and two of them ſent for their forces* ‡. Theſe meaſures gave ſtrong apprehenſions of a civil war, on the event of the queen's death. William Fraſer, biſhop of St. Andrews, ſent intelligence of them to the king of England, before the death of the queen was certainly known; and intreated that monarch, if the queen ſhould die, to draw nigh to the march between the kingdoms, for the conſolation of the people of Scotland, and to prevent the effuſion of blood; ſo that the chief men of the kingdom might preſerve their *oath* § inviolate, and give the kingdom to him

Rym. tom. ii. p. 1090.

* This convention, according to a letter from the biſhop of St. Andrews to the king of England, dated at Locris (Leuchars), conſiſted of ſome nobles of the kingdom of Scotland, and met at Perth on the Sunday after Michaelmas. The biſhop adds, that, on their hearing and underſtanding Edward's anſwer, *the faithful nobles*, and ſome *part of the community of the kingdom*, returned him immenſe thanks. It is evident from this, that *all*, and particularly, *Robert Brus* and his adherents, were not content with what had been tranſacted with the king of England.

† *Ad interpellationem quorundam.*

‡ *Set comites tamen de Mar et Atholiæ jam eorum exercitum demandarunt: et quidam alii Magnates terræ trahunt ſe ad partem ſuam.* The earls of Mar and Athol are in the liſt of auditors choſen by Robert Brus, Rym. ii. 553. and therefore may be concluded to be of his party. Dugdale's Baronage, vol. i. p. 216.

§ Of this oath there is an account in the petition of Robert Brus, preſented at Berwick, Auguſt 3, 1291; in which he ſays, that all the good men *(omnes probi homines)* were ſworn to the neareſt of blood to the deceaſed king Alexander, who had a right of inheritance to the crown *(qui de jure hæreditare debebit)*, on the event of Margaret of Norway dying without iſſue. The biſhop of St. Andrews adviſes the king of England, in this letter, if John Baliol ſhould come to his preſence, ſo to treat with him, that, on every event, his (Edward's) honour and advantage might be ſecured. This letter of Fraſer ſeems to contain a more authentic and particular account of the ſtate of affairs in Scotland at that time, than any other coæval authority.

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whoſe right it was to inherit the crown, and who would, at the ſame time, enter into the views of the Engliſh monarch *.

It is probable, that many of the Scottiſh prelates and nobles were equally inclined with the biſhop of St. Andrews, to court the favour of the Engliſh monarch, and to have recourſe to him for quelling thoſe civil commotions which threatened the utter ruin of their country; and which no power or authority within it was ſufficient to compoſe. The power of ſo great and flouriſhing a monarch appeared fully adequate to this purpoſe. Nor was the fame of his wiſdom and equity inferior to that of his power; and though in the courſe of the tranſactions above-recited, he had not been able to conceal his ambitious views with regard to Scotland, he had hitherto ſo far moderated them, as ſtill to preſerve the confidence of many. It doth not, however, appear from any authentic record, that the guardians or ſtates of Scotland, or the competitors for the crown, did formally requeſt him to act as a judge, or arbiter, in the matter of the diſputed ſucceſſion †. But his correſpondence and intereſt with many of the chief men of the kingdom (which he had, no doubt, greatly increaſed during the courſe of the late nogociations about the marriage), gave him ſufficient encouragement to undertake this work, and to avail himſelf of it, for eſtabliſhing his own favourite claim of ſovereignty, and direct dominion over Scotland.

Although the ſecret management of Edward multiplied the number of pretenders to the ſucceſſion, to no fewer than twelve, yet it was evident, that the claims of Baliol and Brus were thoſe which alone merited any attention. Nor could the preference due to Baliol have been called in queſtion, had the right of repreſentation in heirs *collateral*, equally with *direct*, been at that time firmly and univerſally eſtabliſhed. For the heirs deſcending from the body of the late king Alexander III. being all extinct, Baliol and Brus claimed the vacant throne, as deſcending from David earl of Huntingdon, Alexander's grand uncle, and brother to Malcolm IV. and William the Lion, kings of Scotland. The children of earl David, who had iſſue, were three daughters, Margaret, Iſabel, and Ada. Of theſe, Margaret, the eldeſt, was married to Alan lord of Galloway, by whom ſhe had a daughter, named Derveguld, who, by the death of ſome brothers and an elder ſiſter, became heir to the rights of her mother; and, being married to John Baliol, bore a ſon of the ſame name, who was heir to his mother, and as ſuch did now ſtand competitor for the crown. Iſabel, the ſecond daughter of David earl of Huntingdon, was mar-

Dalrymple's Hiſtory of Feudal Property. Rym. ib. 578, 579, 580.

* *Dum tamen ille veſtro concilio voluerit adhærere.*

Ford. l. 11. c. 42.

† In Edward's letter to the Pope, after the Lincoln parliament in 1301, he affirms, That different perſons, contending about the hereditary ſucceſſion to the crown of Scotland, came to him, requeſting him to do them juſtice with regard to the right they claimed; to which the Scottiſh council, and Biſſet their agent, anſwer, That the king of England *aſſumed* the lamb-like appearance *(ſub agnino vellere)* of a reconciler, among the contending Scots, and was not invited, whatever he affirmed to the contrary; having cunningly allured to his intereſt *a part of the nobles of Scotland, who then adhered to the party who had no title to the kingdom of Scotland*; and ſo the reſt, not being able to reſiſt him, he then uſurped the cuſtody (guardianſhip) of the kingdom, &c. Ford. l. 11. c. 53, 54, 58. The party ſpoken of here, as gained by Edward, certainly means Brus's party; for the regency of Scotland, at that time (and Biſſet, their procurator), acknowledged Baliol as their lawful king.

ried to Robert Brus; whoſe ſon and heir was Robert Brus, lord of Annandale, the other principal competitor. Brus being thus the grandſon of the earl of Huntingdon, while Baliol was only his great grandſon, claimed the crown as being neareſt in blood to the deceaſed king Alexander, and his grand-daughter Margaret. He alſo affirmed that king Alexander II. when deſpairing of an heir of his own body, held him (Robert) for his heir, and declared him ſuch to the ſtates of his kingdom, to which they gave their aſſent; and that this could be atteſted by ſeveral of them, who were ſtill alive. He pretended alſo, that the laſt king Alexander had declared to ſeveral of his confidents, that he looked on him as his lawful heir, on failure of iſſue from his own body; and that all the principal men of the kingdom were ſworn to the *neareſt in blood* to the late king Alexander, as being rightful heir to the crown, in caſe of Margaret of Norway's dying without iſſue.

Interregnum in Scotland. 1290.

The death of Edward's beloved queen Eleanor, at Grantham, in the end of November, ſtopt his progreſs northwards; and occaſioned a delay of his viſit to the marches, until the following Spring. Having arrived at Darlington about the middle of April, he thence iſſued ſummons to fifty-ſeven of his military tenants †, who were chiefly thoſe of the northern counties, to accompany him with horſes, arms, and all the ſervice they owed him, at Norham for ſix weeks, reckoning from Eaſter. And the ſheriffs of the five northern counties received orders, to advertiſe all within their diſtricts, who owed the king military ſervice, to give the ſame attendance.

Trivet. Walſingham. Nov. 28. A. D. 1291. April 16th. Rym. ib. 525.

On the 10th of May, being the fifteenth day after Eaſter, the king was at Norham; where he held in the pariſh church an aſſembly, conſiſting of ſeveral prelates and nobles of his own kingdom, and alſo of ſundry of the prelates, nobles, and community of Scotland ‡, whom he had by his letters required to attend him at that place. He now declared by his juſticiary, Roger le Brabazon, that the purpoſe of his coming was, in quality of ſuperior and direct lord of Scotland, to maintain the tranquillity of that kingdom, and to do impartial juſtice to thoſe who laid claim to the crown; but that, the better to accompliſh theſe ends, he required *ex abundanti* of the Scots, who were preſent, their aſſent to, and recognition of his ſovereignty, intending to make uſe of their advice in determining and executing what was right. The Scots immediately on hearing this propoſal, begged a reſpite, that they might adviſe with their countrymen, eſpecially the members of the eſtates of the kingdom who were abſent; and alſo for themſelves to deliberate and prepare an anſwer to Edward's requiſition. Upon which, although it was affirmed, that ſufficient intimation had been given them before-hand, concerning what was now demanded, a delay was granted them until the day following.

On that day, the ſame perſons being aſſembled as on the preceding, and the Scottiſh prelates and nobles ſtill earneſtly ſupplicating for a delay, the biſhop of Durham now addreſſing them in name of his maſter, informed them, that

Prynne, vol. iii. P. 489.

† Among theſe are, John de Baliol, and Robert de Brus, alſo William de Veſey, Hugh de Lavall, the lady de Ros, Margaret de Ros, William Heyrun.

‡ The Scots, according to Fordun, l. 11. c. 10. firſt convened at Upſetlington; and then, on Edward's requeſt, and ſending them a ſafe conduct, croſſed the march to Norham.

Edward I. K. of England. 1291.

the king, in condeſcenſion to their requeſt, had, by advice of his council, allowed them a reſpite of three weeks, from the 10th of May, in order to their giving a preciſe and peremptory anſwer to his requiſition; and that, if they were poſſeſſed of any documents ſufficient to invalidate the grounds of his claim, they might produce them; aſſuring them, that ſuch evidences of the independency of their kingdom ſhould be treated with all due regard.

The evidences produced by Edward, on this occaſion, of the ſovereignty, or direct dominion of the kings of England over Scotland, conſiſt of paſſages from various ancient writings, proceſſes, and chronicles, preſerved in the Engliſh and Scottiſh monaſteries †; many of which have been mentioned in their proper places in the preceding part of this hiſtory. Moſt of theſe paſſages recite inſtances of the ſubjection and homage paid by ſeveral kings of Scotland to Engliſh monarchs; but the accounts given of theſe inſtances are either ſo indefinite, or accompanied with circumſtances ſo fabulous or improbable, as not to deſerve the name of hiſtorical evidence. They are introduced by Geoffry of Monmouth's fable of king Brute, and his three ſons; and in the concluſion is inſerted an abſurd monkiſh tale, from the legend of St. John of Beverley, about Athelſtane's conqueſt of Scotland. The record of the homage paid at York in 1175, by William the Lion, and his prelates and nobles, to Henry II. is inſerted at length; being, when *conſidered in itſelf*, a clear and ſatisfactory evidence in ſupport of Edward's claim; but no notice is taken of the relaxation from this ſubjection, granted to William by Richard I.; and in the account of the homage which William paid to Richard of Canterbury in December 1189, it is not mentioned that this homage was *only* done for his dignities in England, as poſſeſſed by his brother Malcolm. In a word, this writing of Edward, on being compared with authentic records and hiſtorians, appears to be defective and unfair; and if, as the narrative drawn up under Edward's direction bears, the Scots advanced nothing to diſprove his allegations ‡, it argued either the prevalence of ſervile fear and intereſted views, or an ignorance, almoſt incredible, of what the chronicles and archives of both nations contained.

Moved. p. 662.

It gives alſo an unfavourable idea of Edward's title to the ſovereignty he claimed, that he appears to have ſeized with avidity the opportunity of obtaining an acknowledgment of it from the great men of Scotland, at a time when they wanted a ſovereign, and were in a moſt defenceleſs ſtate, by the factions that prevailed among themſelves. It is alſo apparent, that, in order to procure this acknowledgment, he employed all his art, and made a formidable diſplay of his power. His art particularly appeared in bringing ſo great

† This detail of evidences is, in the record publiſhed by Prynne, inſerted immediately after the ſecond meeting of Norham. In Rymer's copy it is placed after the laſt meeting, on the 13th of June. The fable of Brute, and his three ſons, is left out in the latter. From the ſpeech of the Engliſh chancellor, to the meeting on Holywell-haugh, June 2, as given in Prynne's copy, it appears, that this account of the evidences of Edward's title to the ſuperiority over Scotland, had been laid before the Scots when with the king at Norham in May.

‡ Fordun mentions Robert Wiſchard biſhop of Glaſgow, as aſſerting, in the preſence of Edward, the ancient liberty and independency of Scotland; but, inſtead of any ſolid evidence of this, he puts in his mouth ſome legendary verſes, from a propheſy of Gildas.

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a number of candidates on the field, and in his giving hopes of obtaining the diſputed crown, to all or moſt part of thoſe competitors; who, without ſo powerful an encourager, could never have entertained any ſuch expectation, or inſiſted ſo long in the proſecution of it. The more remote claimants, for the ſake of attaining ſo great an object, would not ſcruple to gratify Edward, by recogniſing him as the ſovereign of themſelves and country. Such a recognition, made by men of high rank and intereſt, who had alſo royal blood in their veins, and were moſt nearly concerned to maintain the dignity of the ancient royal race, paved the way for others, who were not thus connected with it, to make the ſame acknowledgment. This multiplication of candidates was the readieſt way to make them all ſubmiſſive to Edward, as their common lord and judge; and even to bring thoſe to his terms, who had the beſt right in themſelves. Thus we ſhall find, that John Baliol, on a very improbable pretence of ignorance, abſented himſelf from the firſt aſſembly, in which Edward's ſovereignty was acknowledged by his fellow-candidates; but as ſoon as he knew that this recognition was made by Brus, and all the reſt of them, he immediately reſolved to follow their example; juſtly apprehending, that if he refuſed to do it, thoſe whoſe pretenſions were the weakeſt, would have a better chance to ſucceed to the crown than himſelf. The obtaining this recognition from all who were related to the late royal race, ſerved alſo to prevent, or weaken, the credit of pretenders, who might ariſe to the crown, in caſe of diſcontent with Edward's deciſion; which, in a nation ſo turbulent and divided, there was the greateſt reaſon to apprehend.

Interregnum in Scotland. 1291.

In what manner the candidates and Scottiſh nobles were employed, during the interval of twenty days between their leaving Norham and returning again to it, doth not diſtinctly appear. It ſeems certain, that their own jealouſies and diſcords, joined to the king of England's influence, hindered any general concert for maintaining the rights of their country. If any wiſhed to aſſert theſe rights, they were intimidated by Edward's great power, and the numerous forces with which he was ready to enter Scotland. And, according to ſome of the Engliſh annaliſts, he had publickly ſworn by St. Edward, whoſe crown he inherited, that he would rather loſe his life than abandon the proſecution of his right. In theſe circumſtances, none of the competitors could entertain the leaſt reaſonable hope of ſucceſs to himſelf, without gratifying Edward in what he ſought with ſuch ſuperior power and determined reſolution. And a crown, though dependent, was, to each of them, a temptation too great to reſiſt. Such of the competitors, therefore, as had gone into Scotland, together with many of the prelates and nobles of that kingdom, returned to Norham on the day prefixed. And Edward, in ſome degree to remove their fears and ſcruples, gave them a ſafe-conduct, to continue until the feaſt of Pentecoſt; and alſo a conceſſion, that their preſent coming to Norham ſhould not prejudice them or others of their countrymen, by obliging them to croſs the Tweed on the like occaſions.

Hemingf. i. 33. Walſ. Triv. Ann.

May 31. Rym. tom. ii. p. 528.

On the ſecond of June, the day of meeting, eight * of the competitors, with ſeveral

* Theſe eight were, Robert de Brus, Florence earl of Holland, John Haſtings, Patrick Dunbar earl of March, William de Ros, Walter de Huntercumbe, procurator, or attorney of William de Veſey

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ſeveral of the prelates, nobles, and community of Scotland, appeared, and being aſſembled on a green * plain, oppoſite to Norham caſtle, on the Scottiſh ſide of the Tweed, they were required, in name of the king of England, by the biſhop of Bath and Wells his chancellor, to give a preciſe and peremptory anſwer with regard to his claim of ſovereignty over their country; and, if they were poſſeſſed of any documents ſufficient to overthrow this claim, to exhibit them without delay. No ſuch documents being offered, the chancellor next required, that each of the competitors there preſent ſhould ſolemnly recogniſe the ſovereignty of Edward over Scotland, and make an abſolute ſubmiſſion of their pretended right to the Scottiſh crown to his deciſion. Such recogniſance and ſubmiſſion were accordingly firſt made by Robert Brus, and after him, by all the other competitors. Then Thomas Randolph, a knight of John Baliol, excuſed the abſence of his lord from this aſſembly, pretending he was ignorant of the day appointed for it, and requeſted that Baliol might be admitted on the day following, in his own perſon, to purſue his claim, which Randolph affirmed to be preferable to the claims of the other competitors †. Baliol did accordingly appear on the morrow, and made in the ſame place the ſame recognition and ſubmiſſion which the others had done the day before.

June 3d, Tueſday.

Afterwards, on the ſame day, the competitors and whole company came into the preſence of the king, in the pariſh church of Norham. To theſe Edward, firſt by his chancellor, and afterwards in a ſpeech delivered by himſelf, recapitulated the ſteps already taken; and declared his purpoſe to proceed with the ſtricteſt equity, in his exerciſe of that right which all the claimants had now recogniſed; but proteſted, that his acting at preſent as their ſovereign lord in the trial of their pretenſions, ſhould not prejudge his own hereditary right of property in that kingdom, when he thought fit to proſecute it. Immediatly after the king had concluded his ſpeech, John Baliol, perhaps to atone for his tardineſs on the preceding day, declared again, in preſence of the king and whole aſſembly, his recognition of Edward's ſuperiority, and his willingneſs to receive juſtice from him in his pretenſions.

John Comyn lord of Badenoch, who was married to Baliol's ſiſter ‡, pro-

Veſey for William himſelf, Robert de Pynkeny, and Nicholas de Soules. William de Veſey, lord of Alnwick, was a perſon in great favour with the king, and was at that time juſtice of Ireland, and reſiding in that kingdom.

* The place where the aſſembly met was Holywell-haugh, and it is deſcribed in the record as a green plain in the open air, near the river Tweed, oppoſite to Norham caſtle, within the pariſh of a town called Upſetlington, belonging to the dioceſe of St. Andrews in Scotland. The ancient pariſh of Upſetlington included the preſent Ladykirk, in the grounds belonging to which pleaſant village the place deſcribed is ſituated. The church of Ladykirk was founded, as appears from a Latin inſcription in Gothic characters over its eaſt-door, by James IV. of Scotland in 1500. The two pariſhes of Upſetlington and Horndean were afterwards united to make a pariſh for this church. Until the erection of the biſhopric of Edinburgh by Charles I. both Lothian and Mers were in the dioceſe of St. Andrews.

† *Dicebat dominum ſuum pinguius jus habere.*

‡ John Baliol king of Scots had three ſiſters; the eldeſt was Margaret lady of Gelleſland; the ſecond was lady Conſy; and the third was married to him that Robert Brus killed at Dumfries. Lel. Coll. i. 540. from Sc. Chr.

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bably with the view of ſtrengthening Baliol's intereſt, did now alſo preſent himſelf as a competitor, and was admitted on the ſame terms with the reſt. Interregnum in Scotland.

In the next place, all the competitors except Pynkenny *, put their ſeals to a written inſtrument, in the French language, atteſting the ſame recogniſance and ſubmiſſion which they had before made in words, and declaring that all they had done was with perfect freedom. The king then entering into a conſultation with the great men of Scotland, and candidates for the crown, about the beſt manner of proceeding in the diſcuſſion of the point in queſtion, it was unanimouſly agreed, that Baliol and Comyn for themſelves, and thoſe of the competitors *who ſhould concur with them*, ſhould chuſe forty diſcreet and faithful men; that forty others ſhould be choſen by Robert Brus, and thoſe concurring with him; and that the king of England ſhould chuſe twenty-four, with a power reſerved to him † either to augment or leſſen this number at his pleaſure; that all the perſons thus elected, meeting at a time and place to be appointed by the king, ſhould take cogniſance of the claims of the competitors, agreeably to reaſon and juſtice; and make their report to the king, for his final determination. On the day following, the king obtained from the competitors, a grant in writing of the poſſeſſion (ſeiſin) of the whole land and caſtles of Scotland; that it might be in his power to deliver theſe to the perſon to whom he ſhould adjudge the crown, being obliged by an article in this grant, to give ſufficient ſecurity that he would redeliver every thing in the condition wherein he received it, within two months after the right to the crown was determined, and that he would order proper care to be taken of the public revenues, for the behoof of the kingdom and future king.

1291 Rym. ib. 529, 555.

Rym. vol. i. p. 529. June 4.

When the manner of nominating the auditors or delegates in this great cauſe was ſettled, as is above related, it was at the ſame time agreed, that on the third day after, written liſts of the delegates ſhould be delivered to the king by the parties, and that the king ſhould alſo then make known his nomination of twenty four. Accordingly, on that day, the liſts of auditors nominated by Baliol and Brus ‡, were delivered by the biſhops of St. Andrews and Glaſgow, to John of Berwick, dean of Winbourn, the king's clerk, who was

June 5.

* The order of their names in this inſtrument, which is in French, is as follows: Florence earl of Holland, Robert Brus lord of Annandale, John Baliol lord of Galloway, John Haſtings lord of Bergevenny, John Comyn lord of Badenoch, Patrick de Dunbar, John de Veſey for his father, Nicholas de Soules, and William de Ros. No reaſon is given for Pynkenny not joining in this inſtrument.

† This reſerved power is a circumſtance not mentioned by Carte.

‡ If from the liſts of auditors given in by Baliol and Brus, we may judge who were the friends of each, it appears, that Baliol had far the greateſt intereſt among the churchmen, which might perhaps be owing to the influence of the biſhop of Durham, who appears to have been Edward's principal agent in his Scottiſh affairs, and according to Fordun, gave counſel to Edward againſt Robert Brus. In Baliol's liſt are ſix biſhops, in Brus's only two. In the former are ſeven abbots, a prior, and an archdeacon; among theſe the abbots of Kelſo and Holyrood-houſe; in the latter, only two abbots, thoſe of Melroſe and Jedburgh. The greateſt lay-intereſt is in the liſt of Brus; five earls, among theſe Patrick earl of March, alſo the ſteward of Scotland; on Baliol's ſide, four earls. Brus has in his liſt ſome other clergymen of inferior note, Henry dean of Aberdeen, Brother Reginald de Rehalle monk of Melros, alſo ſix others, with the title of *Magiſter* prefixed to their names, who were probably clergymen; as *Magiſter* was a title then of much the ſame meaning as Doctor now, denoting ſome degree of eminency in learning. No *Magiſtri* in Baliol's liſt.

Ford. l. 11. c. 11.

Cowell's Law Dict.

authoriſed

Edward I. K. of England. 1291. June 6. Friday. authoriſed to receive them, and the king's liſt of twenty-four was alſo exhibited. On the day following, the king having commanded the candidates to treat among themſelves about the place and time of the delegates aſſembling, they agreed that Berwick on Tweed ſhould be the place; but not agreeing about the time, the king, with the conſent of the parliament, appointed it to be the 2d day of Auguſt.

A delay aroſe in delivering into Edward's hands the Scottiſh caſtles, from a ſcruple of Gilbert Unframville earl of Angus, who had in his keeping the caſtles of Dundee and Forfar. Unframville refuſed to deliver theſe to Edward, becauſe he had not received them from the king of England, but from the eſtates of Scotland. In order to ſatisfy him, the king of England, as one
June 10. of the claimants, concurred with the reſt of them, in a written obligation *, to indemnify Unframville and his heirs for making the ſurrender demanded; upon which Unframville, with conſent of the guardians of the realm of Scotland, delivered to the king of England and the reſt of the competitors, the caſtles, as being the right and heritage of ſome of them; which was agreeable to the oath he had taken to the neareſt in blood to the royal lineage. This difficulty being got over, and Edward put in full poſſeſſion of the
June 11. Prynne. Scottiſh kingdom and fortreſſes; at a meeting held on the following day in the caſtle of Norham, he redelivered, as ſovereign of Scotland, the cuſtody of the kingdom to the four guardians, who, by Edward's command, made choice of Alan biſhop of Caithneſs to be chancellor of the kingdom, and with him the king immediately aſſociated in that office, Walter Agmondeſham, a clerk of his own †.

Edward, ſtill affecting to temper the rigour of his demands with appearances of equity and condeſcenſion, gave a conceſſion in writing, that right
June 12. Rymer, ib. 532. ſhould be done to the competitors for the crown of Scotland, within that kingdom, and not elſewhere. On the ſame day, he gave a writing ‡, obliging
Rymer, ib. 601. himſelf to deliver the ſeiſin of the kingdom of Scotland to that perſon to whom it ſhould be adjudged in his court and preſence; in which writing there was an article, declaring that, on the death of any king of Scotland who left an undiſputed heir, Edward or his heirs ſhould not demand ward, marriage, or poſſeſſion of the kingdom, but only the homage and ſovereign dominion, and what thereto belonged; but when there was a diſpute about the right to the crown, then the king of England ſhould have poſſeſſion of the kingdom, and caſtles, and the cogniſance of the title to the crown, as at preſent. On this day alſo, a meeting was held on Holywell-haugh, in which the great ſeal of Scotland, which had been on that day brought to Edward at Upſetlington, was delivered to the biſhop of Caithneſs and Walter Agmondeſham; who took oaths of fidelity as to the diſcharge of the duties of their office, and to Edward, as ſuperior lord of Scotland.

* This obligation is not inſerted in the record.

† This aſſociation of Agmondeſham Carte omits.

‡ This writing is not in Edward's record. It contained ſome other articles, which the king affirms he had completely fulfilled; and when the important article in the text was preſented to him at Newcaſtle, Jan. 4. 1292, he acknowledged *that it was ſuch (qe il fut tiel)*. Carte ſpeaks of this obligation as being given at Newcaſtle, vol. ii. p. 231.

On

On the ſame day, in a meeting held in the preſence of the king at Norham, the proceedings of the following day were appointed; on which were aſſembled before the king on Holywell-haugh, the great men who had appeared at former aſſemblies, together with a great multitude of the people of both nations. There the king aſſociated to the four Scottiſh guardians, Bryan Fitz-Alan an Engliſh nobleman; and then all the five ſwore to be faithful to their truſt, and obedient to Edward as their ſuperior lord. After which, the four Scottiſh guardians, with twenty-eight beſides of the great men of Scotland *, ſwore fealty to Edward as ſuperior and direct lord of Scotland. Hereupon the peace of Edward was proclaimed on the ſpot; and orders were given to proclaim and obſerve it throughout the kingdom. Agreeably alſo to what had been before reſolved, the ſecond of Auguſt was aſſigned as the day of meeting at Berwick for farther proceeding in this affair.

Interregnum in Scotland.

1291. June 13.

Rym. ib. 558.

In the interval, Edward ſtill diligently purſued his great object. He received at Berwick, as ſuperior lord of Scotland, oaths of fealty from ſeveral Scotchmen who came to him thither †. He received the like oaths from Philip de Rydale mayor of Berwick, and the burgeſſes and inhabitants of that town, of which eighty-three are named. In the beginning of July, he ſet out in a progreſs into Scotland; in which, by the way of Edinburgh and Stirling, he proceeded as far as Perth ‡. He received the fealty of the burgeſſes and whole community of the laſt named town; as he alſo did from ſeveral perſons of note, ſecular and eccleſiaſtical, at different places, in going and returning. The guardians of the kingdom, and others in different quarters of the realm, were appointed to receive the fealties of thoſe who had not come in perſon to the king, and the refractory were ordered to be compelled.

June 28, 30.

Rymer, ib. 573.

The great aſſembly appointed to meet at Berwick on the ſecond day of Auguſt, having been adjourned to the day following, the king on that day, in preſence of ſeveral prelates and nobles of both nations aſſembled in the chapel of the caſtle, proteſted §, that the favour he had granted to the competitors for the crown of Scotland and the community of that kingdom, to do juſtice in the preſent queſtion *within Scotland*, ſhould not be to the prejudice of himſelf or his heirs, ſo as to hinder them from doing what belonged to them as ſovereigns of Scotland, on the like or other emergencies, within the kingdom of England. Then the biſhops, prelates, earls, barons, knights, and many of the people, both clerks and laicks of both nations, being convened in the preſence of the king in the caſtle of Berwick, the hundred and four delegates

Rym. vol. i. P. 574.

* Of this number there were only one biſhop, viz. of Sodor, or the Iſles; there were eight earls, thoſe of Carrick, March, Mar, Buchan, Athol, Angus, Lennox, Monteith. Robert Brus and John Baliol are firſt in the liſt, and put immediately before the earls; John Comyn lord of Badenoch and James Steward of Scotland immediately after them. When the biſhop ſwears, it is ſaid to be, *præſentibus evangeliis*. When the laymen ſwear, it is ſaid to be *tactis ſanctis Dei evangeliis*. Rym. vol. i. p. 558.

† Among theſe were, Henry prior of Coldingham, John de Vans, Peter de Mornigeon (probably Mordington,) Alexander de Bonekyl, Agnes de Bernham prioreſs of Berwick. Seventy of them are named.

‡ No mention of this progreſs by Carte.

§ In Rymer's copy, the date of this proteſtation is the 3d of July, but in Prynne's, with much more probability, it is the 3d of Auguſt.

Edward I. K. of England. 1291.

nominated at Norham, were commanded by the king, to aſſemble in the deſerted church of the Dominicans adjacent to the caſtle. There they immediately began to receive the petitions and grounds of claim, which the ſeveral competitors preſented to them in writing. Theſe petitions were twelve in number, whereof the two laſt in the record are thoſe of Brus and Baliol; an account of whoſe pretenſions agreeably to what the petition of each contains, hath been already given. John Haſtings, one of the twelve claimants, was the deſcendant and heir of David earl of Huntingdon's youngeſt daughter, and as ſuch, had the kingdom been a diviſible inheritance, he would along with Brus and Baliol have been entitled to the third ſhare of it. But the claims of all the reſt * were evidently frivolous, as their predeceſſors, though of the royal blood, were either illegitimate, or if legitimate, were more remote from the lately extinguiſhed royal line than thoſe of Bruce, Baliol, and Haſtings. The petitions and reaſons by which they were ſupported, having been heard by the delegates, and reported by them, in preſence of the competitors, to the king, that monarch, with the conſent of the competitors, adjourned the farther hearing and deciſion of this great affair, until the ſecond day of June in the following year, when his next parliament was to be held in the ſame place. This delay is aſcribed to Edward's deſire of attending in perſon the funeral of his mother, and of compoſing a ſtrife which had proceeded to a great height betwixt two of his great earls, Gloceſter and Hereford; but it likewiſe evidently ſerved the purpoſe of acquainting himſelf with all matters relating to Scotland, and of habituating the competitors and whole kingdom to that dependence on himſelf, which he was ſo deſirous of eſtabliſhing.

Carte, ii. 221, 222.

Edward, with the ſame attendance as before from both kingdoms, was again at Berwick on the appointed day in the following year; when Eric king of Norway appeared by his ambaſſadors, a new competitor † for the

A. D. 1292. June 2.

* The other nine, in the order in which they appear in the record, are, Florence earl of Holland, Patrick earl of March, William de Veſey, William de Ros, Robert de Pynkeny, Nicholas de Soules, Patrick Galithly, Roger de Mandeville, and John Comyn lord of Badenoch. Patrick Galithly is the name of the laſt in the liſt of the burgeſſes of Perth who ſwore fealty to the king. See above, p. 177. Carte ſays, it is not eaſy to gueſs with what view ſome of theſe claims were made, unleſs to perpetuate the claimant's relation to the royal family, or in hopes of obtaining ſome grant for giving up his pretenſions.

Patrick earl of Dunbar, William de Veſey, William de Ros, and Roger de Mandeville, claimed as the deſcendants and heirs reſpectively, of Ada, Margery, Iſabel (a), and Aufrick, baſtard daughters of William the Lion. Patrick Galithly, as the heir of Henry Galithly, a natural ſon of the ſame William. (So the record plainly. Carte makes Henry Galithly a ſon of Alexander II.) Nicholas de Soules, as the heir of Margery, a baſtard daughter of Alexander II. Florence count of Holand and Robert de Pynkeny, founded their pretenſions on deſcending from Ada and Margery, daughters of king David's eldeſt ſon prince Henry, and ſiſters to the kings Malcolm and William, and to David earl of Huntington. Finally, John Comyn lord of Badenoch reckoned his deſcent from Bathok, a daughter of Donald Bane, who uſurped the throne after the death of his brother Malcolm Canemore.

† Carte mentions this appearance of Eric at the firſt meeting.

(a) From the conſultation of the lawyers of Sens in Fordun, l. 11. c. 7. it appears, that Ros alleged, that Iſabel, his great grand-mother, had been legitimated.

crown

crown of Scotland, as heir to his daughter Margaret *, and acknowledged Edward's ſovereignty over that kingdom. His claim with the reſt was referred to the commiſſioners; who, meeting in the ſame place as laſt year, heard and conſidered with the utmoſt attention, all the petitions, arguments, allegations, and anſwers, of each petitioner. Various difficulties occurring, they made a full report to the king; who, having examined it in preſence of the whole aſſembly, ordained, to prevent delays and render the cauſe leſs perplexed, that the auditors ſhould, in the firſt place, examine the claims of Brus and Baliol, and determine which of theſe two had the preferable right; the other competitors in the mean time agreeing to ſuſpend the proſecution of their claims, but with the liberty of reſuming it, after this queſtion ſhould be decided. The king then required an oath from the Scottiſh auditors, that they would give him faithful advice, by what laws and cuſtoms the preſent queſtion ought to be judged. They, entering immediately into a diligent conſideration of this point, unanimouſly anſwered, That, on account of certain differences ſtill ſubſiſting among them concerning the laws and cuſtoms of Scotland, in a caſe ſo arduous and in former times unheard of, they durſt not give the counſel the king required, without farther advice and a fuller deliberation. They therefore ſupplicated the king, that the twenty-four Engliſh delegates nominated by himſelf, might join them, and aſſiſt their conſultations concerning the article in queſtion. This being granted and a conference held, the Engliſh commiſſioners repreſented to Edward, that the Scots, by whoſe opinion, if unanimous, the king ought to be determined, differed very widely in their ſentiments concerning the laws and cuſtoms of their country in the preſent caſe, and that themſelves being few, and not the ableſt and wiſeſt in his realm, they did not dare to aſſume ſo great a burden, as to adviſe the king in the preſent arduous buſineſs, without a more extenſive and accurate conſultation of the great and wiſe men of his kingdom. Upon this, the king, with the advice of his parliament and conſent of the ſeveral competitors, appointed the fourteenth day of the enſuing October, for another meeting in the ſame place. He promiſed to call together, at that time, a greater number of the perſons of his kingdom moſt eminent in rank and wiſdom, in order to a more mature examination of the cauſe. All now preſent were admoniſhed, during the interval, to adviſe with each other, and examine more maturely what was beſt

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* The petition of the king of Norway contains ſeveral other particulars, which ſeems to be the reaſon of its not being inſerted at length in the record; Walſingham gives the whole in his Ypod. Neuſt. from whence Prynne copies it into his completion. Eric petitioned Edward to aſſign to him the revenues of Scotland, for the four years between the death of the late king Alexander and the late queen Margaret, Eric's daughter, which revenues Eric had a right to as lawful adminiſtrator for the queen, while ſhe lived, and alſo to indemnify him for the expences he had been at on her account, both while ſhe remained in Norway, and in ſending her over to Scotland. He alſo requeſted Edward to condemn the eſtates and kingdom of Scotland, to pay to him 100,000 *l.* ſterling, which penalty they incurred by not receiving freely his daughter Margaret as lady (miſtreſs) and queen of Scotland *(dominam et reginam regni Scotiæ)*, nor obeying her in any thing *(nec ei obediendo in aliquo)*: alſo to demand a ſum to ſupply the deficiency of 700 merks due from the kingdom of Scotland as Margaret's dowry, the rents *(fructus et redditus)* aſſigned for 700 merks, amounting only to 500 merks; and in general, to ſue for all other debts or claims which Eric had in Scotland. Ypod. Neuſt. 479, 480.

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to be done. And the king, *ex abundanti*, promiſed to ſend ſome of his council to take the opinion of wiſe men in different countries *, that this alſo might be laid before him at the next meeting of parliament.

At the time and place appointed, the king and parliament, with the auditors and competitors, aſſembled as formerly. Their proceedings began by eſtabliſhing unanimouſly the following principles, expreſſed in their anſwers to ſo many correſponding queſtions which the king propoſed to them. Firſt, That the king might and ought to judge in the caſe before them, by the laws and cuſtoms of the kingdoms ſubject to him; if any fixed and certain laws and cuſtoms, that could be applied to that caſe, were to be found in thoſe kingdoms. Secondly, If there were no ſuch eſtabliſhed laws and cuſtoms, then the king might and ought, by advice of his nobles and great men, to make a new law. And thirdly, That the right of ſucceeding to the crown of Scotland ought to be determined in the ſame manner as ſucceſſions to earldoms, baronies, and other impartible tenures. Then Brus and Baliol, having firſt declared to the king their acquieſcence in theſe determinations, were heard at length by the commiſſioners, each in ſupport of his pretenſions.

The ſubſtance of the plea now made by Robert Brus, in addition to what his petition contained, was, That a queſtion about the ſucceſſion to a crown ought to be decided by the law of nature, and not by laws and cuſtoms that regulated the ſucceſſions of vaſſals and ſubjects; and that, by the law of nature, he who, being lawfully born, is neareſt to the royal blood, when the throne becomes vacant, ought to be preferred. He affirmed, that, agreeably to this rule, it was the ancient cuſtom of Scotland, that the brother of a deceaſed king ſhould ſucceed to the crown, in preference to his ſon; and he adduced examples of ſuch ſucceſſions in Spain and Savoy. He added, that a woman was naturally incapable of government, and therefore, although Derveguld the mother of Baliol was alive, when the throne of Scotland became vacant by the death of king Alexander, yet ſhe being, for the reaſon juſt mentioned, incapable of reigning, the right to the crown ought to devolve to himſelf (Brus,) as being a male in equal nearneſs of relation with her to the deceaſed king.

The anſwer of Baliol, after pointing out ſome ſmaller errors in the pleadings of his antagoniſt, repreſents, That whatever might be alleged concerning the cuſtoms of other kingdoms; yet in the kingdoms of England and Scotland, where kings reign by ſucceſſion in the right line, and earls and barons ſucceed in the ſame manner in their heritages, the iſſue of a younger ſiſter, though nearer in degree, did not exclude the iſſue of the elder though in degree more remote; the ſucceſſion continuing in the *direct* line †. For from this it follows, that while any iſſue of the elder ſiſter remained, no right

* The conſultations of many lawyers in the court of the French king, and of the learned of the univerſity of Paris, are preſerved by Fordun, l. 11. c. 4,—9. incl. The caſe ſtated to them by Edward, aſſumes his own ſovereignty over Scotland as an eſtabliſhed point. Their anſwers are different, according as their judgments were formed on the Moſaic, Imperial, or feudal laws. But almoſt all agree, that the cuſtom of Scotland if known; or if not, that of England; ought to be followed, preferably to any law.

† *In ipſa recta linea ſucceſſione durante.* Carte renders it the *right* or *elder line*.

could

could devolve upon the iſſue of the younger. This being clearly the law whereby the king of England, ſovereign lord of Scotland, gave judgment concerning lands and poſſeſſions holding of himſelf or his anceſtors, there was no room or applying to the preſent caſe any other laws or cuſtoms; for the competitors were on the footing of ſubjects, not poſſeſſing themſelves royal prerogatives, but aſking juſtice from Edward as from their ſovereign lord; of whom and his anceſtors, from time immemorial, the realm of Scotland was held by homage. As to the ancient cuſtom of ſucceeding in the kingdom of Scotland, which Brus pretended was favourable to his claim, Baliol alleged, that the younger brother, in ſuch inſtances, ſucceeding to the elder, in preference to the ſon of the latter, ſerved to prove that the more remote in degree of ſucceſſion was preferred to the nearer, in expreſs contradiction to the ground of Brus's claim; ſeeing the ſon was nearer in degree of ſucceſſion to his father than his father's brother, according to the laws and cuſtoms of each kingdom. Finally, to Brus's pretence, that a woman was incapable of reigning, it was anſwered, that his own right to reign could only be through the medium of his mother Iſabella; and therefore, if ſhe was incapable of a right to reign, no ſuch right could deſcend from her to *him*. Brus was alſo put in mind, that he, along with the other great men of Scotland, had acknowledged Margaret the daughter of the king of Norway as his queen, and ſworn fealty to her, which was totally irreconcilable with his preſent argument. Then Baliol giving a diſtinct account of the ſucceſſors to the crown down from William the Lion, and of every heir who had died, to make way for himſelf, he demanded that the petition of Brus ſhould be voided, diſmiſſed, and rejected, and the kingdom of Scotland adjudged to himſelf as rightful heir.

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All theſe things being heard and diſcuſſed at length before the auditors, were reported to the king, who then ſolemnly aſked the advice of all the members of his great council or parliament, and alſo of the auditors, whether of the two ought to be preferred to the kingdom of Scotland, in conſequence of what had been pleaded and alleged by each party. And, that the deciſion might have more the appearance of being founded on the merits of the cauſe, and not on perſonal favour, he comprehended each party's grounds of claim in the following general queſtion; Whether the remoter by one degree in ſucceſſion iſſuing from an elder ſiſter ought, according to the laws and cuſtoms of each kingdom, to exclude the nearer in degree iſſuing from a younger ſiſter? Or if the nearer in degree iſſuing from a younger ſiſter ought, according to the ſame laws and cuſtoms, to exclude the more remote by one degree iſſuing from an elder ſiſter? To which queſtion, an unanimous final anſwer was given, That, in the circumſtances ſtated, the deſcendant of the elder ſiſter ought to be preferred. The king having heard this anſwer, ordered the whole affair to be again moſt accurately canvaſſed by the ſame aſſembly, and appointed a day to Robert and John to hear their judgment, viz. the Thurſday after the feaſt of All Saints, being juſt three weeks from the preſent meeting.

At the opening of the next meeting, where Brus, Baliol, and the other competitors, attended, it was declared, after weighing Brus's petition, with all its circumſtances and the arguments on both ſide, that this petition ought Nov. 6.

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to be diſmiſſed *. But, as to the petition of Baliol, the king could not proceed to give judgment, until the petitions of the other claimants were heard; for which reaſon Baliol, and the reſt were directed, if they thought it expedient, to proſecute their ſeveral petitions before the auditors from day to day. Then Robert Brus appearing in perſon, declared his intention to enter into a plea for the whole kingdom of Scotland, or a part of it, in a different form and manner from what he had before uſed. He requeſted to be admitted to do ſo, and named three procurators †, who were allowed to appear for him. Immediately after, John Haſtings preſented himſelf to proſecute his petition, as being the heir of Ada, the third daughter of David earl of Huntingdon. Haſtings pleaded, that the queſtion ought to be decided according to the common law of England; agreeable to which, the inheritance was partible, and ought to be divided equally among the heirs of the three ſiſters, Margaret, Iſabel, and Ada; and as the heir of the latter, he claimed his proportion or third ſhare. Immediately Robert Brus, adopting the argument of Haſtings, and adding ſome reaſons to prove that the kingdom of Scotland was partible, claimed a third part of Scotland, as being the heir of David's ſecond daughter. Baliol's anſwer to theſe claims was alſo heard; and the reaſons on both ſides being diligently examined by the king and his council, the king inquired of the aſſembly, Whether the kingdom of Scotland was partible? Or, if the kingdom was not partible, whether its eſcheats or caſualties were partible ‡? To both which queſtions, anſwer was unanimouſly given in the negative. Then the king aſſigned to all the claimants the next Monday after Martinmas, to hear his judgment on their petitions; purpoſing to employ the

* On the day after this deciſion, Robert de Brus executed an inſtrument at Berwick, reſigning *all his right in the kingdom of Scotland* (*a*), to his ſon Robert earl of Carrick and his heirs; ſealing the deed not with his own ſeal, but with that of the earl of Glouceſter and Hertford. Carte refers to the deed in *Vincent's Correction of Broke's Errors.* And on the Sabbath following, Robert earl of Carrick reſigned his county of Carrick, and all the other lands held by him in Scotland, in right of his late wife Margaret counteſs of Carrick, to his ſon Robert (afterwards king of Scotland), as the right and heritage of the latter, requeſting John Baliol to whom the deed was addreſſed, to receive the homage of his ſon Robert, as the true and lawful heir of theſe eſtates. Robert earl of Carrick having abſented from Baliol's parliaments held after Candlemas and Eaſter, in order, as it would ſeem, to avoid appearing before that at Lammas, went over to Norway, and his ſon attending the parliament at Lammas, produced this deed and was admitted on certain conditions to do his homage. Rym. vol. ii. p. 614, 605, 612. According to Leland, Robert, in the preſence of king Edward, refuſed to do homage to Baliol, and thereupon reſigned his lands in Annandale to Robert his eldeſt ſon, who alſo refuſing to do ſaid homage, he ſaid to Robert his ſecond ſon, (it ſhould be his grandſon) *take thou my land in Scotland,* whereof accepting, he did his homage accordingly. Dugd. i. 450.

(*a*) So in Carte, perhaps it ſhould be *lands in Scotland.*

† Geoffrey de Caldecote, Gilles de Garneſches, and John de Bry, probably all Frenchmen. The plea now taken up by Brus, is ſupported by the opinion of Thomas de Welland, one of the French lawyers conſulted by Edward. Ford, l. 11. c. 8. This lawyer being aſked whether Brus might petition for a third of the kingdom after failing in his petition for the whole, anſwered, that he might, and ought to obtain the third ſought. Ib.

‡ Queſtion put by the king. *An regnum Scotiæ ſit partibile? Et ſi idem regnum non ſit partibile, an eſcætæ et acquiſita* (Prynne's copy adds *ejuſdem*) *ſint partibilia?* To which it was unanimouſly anſwered, *quod regnum Scotiæ non eſt partibile, nec eſcætæ ſeu acquiſita infra regnum Scotiæ ſunt partibilia, ex quo ad manus regis ejuſdem regni devenerunt.*

interval

interval to examine diligently, with the aid of his council, every one of the proceſſes, with their reaſons, allegations, and all their circumſtances. Interregnum in Scotland.

The next and laſt meeting for the hearing of this great cauſe, was held in the hall of the caſtle, where the petitioners being called upon by a ſolemn and public proclamation, there appeared Eric king of Norway, Florence earl of Holland, and William de Veſey, by their attornies; Patrick earl of March, William de Ros, Robert de Pynkeny, Nicholas de Soules, and Patrick Galithly, in perſon, who all withdrew their petitions; and judgment was of courſe given by the king, that they ſhould obtain nothing by them. Becauſe John Comyn and Roger de Mandeville had not proſecuted their petitions, the like judgment was given againſt them. It was next declared, that Brus ſhould obtain nothing by his laſt petition; becauſe in his firſt, he had acknowledged the kingdom of Scotland to be impartible, which was alſo eſtabliſhed by the unanimous judgment of the eſtates of both nations. This deciſion with regard to Brus's petition, determined alſo the fate of that of Haſtings. And to conclude all, it being manifeſt that the kingdom of Scotland was impartible, that the king of England ought to judge according to rules univerſally approved and received in both kingdoms; it being farther evident, that by the laws and cuſtoms of each of theſe kingdoms in an impartible hereditary ſucceſſion, the remoter in degree in the eldeſt deſcending line ought to be preferred to the nearer in the ſecond line and alſo, becauſe the order of ſucceſſion repreſented in Baliol's petition was not denied by any of the other competitors, whence it appeared that his title to the crown was preferable to that of all the others: it was, for theſe and other reaſons which the proceſſes contained, adjudged, that John Baliol ſhould recover and have ſeiſin of the kingdom, with every thing thereto belonging, which, by reaſon of the ſovereignty or dominion of the king of England, had fallen into this king's hands; ſaving the right of the king of England and his heirs, when they choſe to inſiſt upon it. And charge was given to John, to govern his kingdom and people in ſuch manner, that none might have cauſe to complain for defect of juſtice, and thereby oblige the king of England to interpoſe in quality of ſuperior lord of Scotland, for the redreſs of grievances complained of in that kingdom. In concluſion, Edward fixed the following Thurſday for Baliol to render fealty to him for the kingdom of Scotland, in whatever place Edward ſhould then be; and Chriſtmas for his doing homage to Edward, wherever this king ſhould then be, reſiding within his own kingdom. 1296. Nov. 17. Nov. 20.

Two days after, orders were iſſued to the five guardians of Scotland, to deliver to John without delay ſeiſin of that kingdom; and particular orders were addreſſed to the keepers of all the caſtles * that had been delivered to Edward to re-deliver theſe to the new king. On the ſame day, in the preſence of John Baliol, now intitled, *The illuſtrious King of Scotland*, and of many prelates and nobles of both kingdoms, as well as a great multitude of people aſſembled in the hall of Berwick-caſtle, the ſeal uſed by the regents of Scotland ſince the time of the late king Alexander's death, was broken into four

* Peter Burdet was then conſtable of the caſtle of Berwick, and the order, addreſſed to him, is publiſhed by Rymer, as a ſpecimen of the orders given to all the reſt. Rym. ii. 590.

parts,

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parts, and the pieces thereof depoſited in a leathern bag in the treaſury of the king of England, to be preſerved as a monument and evidence of the ſovereignty and direct dominion of that monarch over Scotland.

In the manner above related, was conducted and concluded this great affair, one of the moſt important in itſelf and in its conſequences, that was ever tranſacted in the iſland of Great Britain. Edward, not leſs illuſtrious in his character of a legiſlator and judge, than of a general and conqueror, exhibited, in the concluding of this proceſs, a ſpecimen of that deliberation and ſolemnity with which momentous queſtions of right ought to be examined and tried. Nor doth any thing appear in the face of the proceedings, as ſtated in the full and diſtinct record made of them by Edward's direction, that can afford any juſt ground to ſuſpect him of partiality, or of uſing any undue influence with the (numerous) judges of this great cauſe. The ſtory ſo long and confidently told by Scottiſh writers, of Bruce refuſing to acknowledge Edward's ſuperiority, even for the ſake of a crown, and of Baliol's gaining that monarch's favour, by readily aſſenting to what the other refuſed, is fully overthrown by the record, as well as by the teſtimony of the Engliſh hiſtorians. The iniquity of Edward's conduct conſiſted in his claiming the ſovereignty of Scotland, upon falſe and inadequate grounds; and in the advantage he took againſt the Scots, torn by factions and deſtitute of a head, to obtain from them an acknowledgment of his pretended right. But, admitting his claim to the ſovereignty to be valid, his deciſion in favour of Baliol appears to have been juſt, as being agreeable to the rules of ſucceſſion in other impartible fees that depended on the crown of England; which rules, by the confeſſion of the Scottiſh delegates, likewiſe obtained in ſimilar caſes in their kingdom *.

Nov. 20. Rym. i. 591.

Ibid. p. 600.

On the day after breaking the ſeal of the late regency of Scotland, Baliol ſwore fealty to Edward in the caſtle of Norham, in the preſence of many of the great men of both nations. Next day Edward gave a commiſſion, dated in the ſame caſtle, to John de St. John to place Baliol on his royal ſeat at Scone, agreeably to the ancient cuſtom of Scotland, in the inauguration of their kings; in performing which office, St. John, was to repreſent Duncan the earl of Fife, at that time a minor in Edward's cuſtody. Baliol was accordingly placed on the royal chair at Scone, on St. Andrew's day; and paſſing

Ibid. p. 593.

ſoon after into England, paid homage to Edward at † Newcaſtle upon Tyne, on the day after Chriſtmas.

Ford. l. 11. c. 27.

* Fordun gives us ſome traditions about this affair, which he had probably found among his countrymen in the following century. He ſays, that Edward finding the aſſize or judges inclining to give the preference to Bruce, and adviſing concerning the matter with ſome of his counſellors, Anthony Beck, biſhop of Durham, reminded him of Bruce's great family and connexions in England, and how formidable he would be to England, if advanced to the throne of Scotland, whoſe kings had formerly been ſo troubleſome to thoſe of England. On which Edward replied, *par le ſang de Dieu vous avez bien eſchanté*, the matter ſhall go otherwiſe than I at firſt intended. Fordun alſo relates, that after ſentence was given for Baliol, the earl of Glouceſter, the nephew of Brus's wife, taking Brus by the hand, bid the king conſider what kind of a judgment he had that day given, and remember that he himſelf ſhould be judged at the laſt day. He adds, that Robert, by command of the ſame earl, immediately retired, and never paid fealty or homage to Baliol. According to an account in Leland's Collectanea, John de Warrene, earl of Surrey, father-in-law to John Baliol, joined with Anthony Bec biſhop of Durham, in maintenance of Baliol's title.

Lel. Col. vol ii. p. 539. Hearne's Ed.

† In the hall of the palace of the king, within the caſtle.

Edward

Edward having, by virtue of his ſovereignty, given the Scots a king, ſeems to have been fond of embracing every opportunity of making both the king and people of that nation feel, in its utmoſt extent, their ſubjection to the power they had recogniſed: nothing could contribute more to this purpoſe, than the receiving of appeals from Scotland, in queſtions of law and right, to himſelf and his courts of England: and, with this view, ſoon after he had obtained the recognition of his ſovereignty over Scotland, and poſſeſſion of that kingdom, in the preceding year, he iſſued from Berwick a mandate to the juſtices of his bench, to admit royal writs, preſented or returned before them, although bearing date within the kingdom of Scotland; not allowing ſuch dates to be juſt exceptions againſt them; becauſe the kingdoms of England and Scotland, by virtue of the ſovereign dominion which the king now poſſeſſed over the latter, were conjoined ‡.

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Rym. ib. p. 533. July 3. 1292.

The firſt example of an appeal of this kind was given by one Mr. Roger Bertelmeu, a burgeſs of Berwick, who preſented to Edward, a little before he left that place, (Dec. 7,) a complaint againſt the juſtices conſtituted by the king for trying cauſes in Scotland, while that kingdom remained in Edward's poſſeſſion; declaring, that in certain ſuits againſt him, tried before thoſe judges, their proceedings had been contrary to juſtice, and to the cuſtoms of both kingdoms. The king, on receiving this complaint, ordered the records of the proceedings complained of to be laid before himſelf and his council; that, if any error appeared, it might be amended, and a right judgment given. This was accordingly done at Newcaſtle, on the Monday before Chriſtmas; when, of three judgments given by the judges in Scotland, one was confirmed, another reverſed, and the diſpute with regard to the third, terminated by an agreement between the parties, which the king and his council ratified.

Ryl. plac. Parl. p. 145.

In one of theſe pleas the king thought it right to proceed according to the cuſtom of Scotland; and that he might be authentically informed of this, he called upon ſome of the great men of that nation, then attending their king at Newcaſtle, who were reputed moſt knowing in the laws and cuſtoms of their country, and required them, upon their oaths, to declare, what the law and cuſtom of Scotland was, in the matter in queſtion *. The deciſion given by Edward's council, was founded on the teſtimony theſe Scotſmen gave concerning the law of their country; but this appeared a poor compenſation for the grievance which in this juncture they ſaw begun, of drawing pleas concerning matters of private right or property out of Scotland to be rejudged, and finally decided in England.

Ryl. p. 130.

To obviate, if poſſible, this evil, the biſhop of St. Andrews and ſeveral others of the council of the Scottiſh king did, in their maſter's name, petition Edward, that he would adhere to the promiſe he had formerly made, of main-

Rym. ib. 596.

‡ *Quia regna Angliæ et Scotiæ, ratione ſuperioris dominii quod in eodem regno Scotiæ obtinemus, benedicto Altiſſimo ſunt conjuncta.*

* The queſtion was, When parties in any cauſe had voluntarily ſubmitted the matters in queſtion betwixt them to the inqueſt of their country in the king's court, and the court allowed this inqueſt, whether judgment ought to be given and carried into execution, agreeably to the verdict of this inqueſt? To which the Scots anſwered in the affirmative.

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taining the laws and cuſtoms of the kingdom of Scotland, and that pleas and complaints in any affairs within that kingdom, ſhould not be drawn out of it into England, for deciſion. In anſwer to this petition it was declared, on the part of Edward, in preſence of his council, by Roger le Brabanzon his juſticiary, that they could not but be ſenſible, that the king of England had in every article kept the promiſes he had made them; but, with regard to complaints preſented to him of the proceedings of the delegates, having their commiſſions from him, in quality of ſovereign lord of Scotland, no other but himſelf could be intitled to have cogniſance of them; for theſe delegates repreſenting his own perſon, it could alone belong to him to correct, or in any manner to intermeddle with their judgments. On this occaſion Brabanzon farther proteſted, for his maſter, that although, during the late vacancy of the kingdom of Scotland, he had, concerning certain articles, made promiſes that ſuited the time †, which promiſes he had kept; yet now, when that nation was provided with a king, he did not intend to be thenceforth bound by them, ſo as to be thereby precluded from admitting complaints, regularly brought before him, from that kingdom, and all other affairs relating to it, and diſpenſing juſtice in all ſuch matters in the beſt way he could; and to exerciſe his ſovereign dominion over Scotland, within the kingdom of England, where he thought fit, and as juſtice required. To give the greater weight to this proteſtation, and make the Scottiſh king and his nobles fully ſenſible of the ſubjection to which they were reduced, this proteſtation was renewed by Brabanzon, before a meeting held on the laſt day of December, in the king of England's chamber, where both kings, and ſeveral of the great men of each kingdom, were preſent: and, after the juſticiary had delivered it, the king himſelf repeated it in equivalent expreſſions in the French language; adding, that if the matters brought before him from Scotland rendered it neceſſary, he would cauſe the king of Scotland to be called to his preſence, within the kingdom of England.

A. D. 1293. Jan. 2. Rym. ib. 597, 598.

To complete the ſecurities which Edward thought requiſite for eſtabliſhing and clearing his rights in Scotland, he obtained an inſtrument in writing, ſealed by John Baliol and the great men of Scotland who attended him, in number eleven, before they left Newcaſtle, containing a full acquittance of all conventions, promiſes, and obligations, together with the penalties enforcing them, which he had given to Baliol and the eſtates of Scotland, with regard to the affairs of that kingdom; a ratification of every thing done by Edward as ſovereign lord of Scotland, while it remained in his hands; and an acknowledgment of the abſolute nullity of the articles contained in the writings drawn up at Northampton, on the 28th of Auguſt, in the 18th year of Edward's reign, on occaſion of the marriage-treaty between Edward's ſon and the queen of Scotland, whoſe heir Baliol was: in which articles Edward had made certain conceſſions concerning the rights, liberties, and cuſtoms of Scotland, its ſeparation from England, and independency thereon.

† *Super certis articulis quaſdam promiſſiones feciſſet ad tempus.*

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The ſubſequent conduct of Edward towards his great vaſſal of Scotland, was anſwerable to theſe beginnings. The tendency of it was, either to train him and his ſubjects to a ſervile dependence on England, or to provoke them to revolt; on which latter event, he flattered himſelf with completing the conqueſt of the whole iſland, by reducing Scotland to the ſame ſtate with Wales; and he made no doubt but that, by purſuing ſimilar meaſures, he would attain the ſame end. In the courſe of this year four different appeals were preſented to him; upon all which he iſſued ſummons to the king of Scotland to anſwer before him in perſon. John Baliol, K. of Scotland. 1293. Rym. ib. 605, 606, 608, 615.

The only one of theſe appeals which appears from records to have been proſecuted, was that taken by Macduff, ſon of Malcolm, once earl of Fife, who was diſſeiſed by the king of Scotland and the firſt parliament held by him, of certain lands, which the king claimed to hold as part of the eſtate of the preſent earl of Fife, a minor, and the king's ward. Macduff had complained to Edward, when at Berwick, of being unjuſtly ejected from the aboveſaid lands by the biſhop of St. Andrews, who was then guardian of the earldom of Fife, and the king had commanded the guardians of the kingdom to inquire into the matter, and to do Macduff juſtice. By their ſentence Macduff was reſtored to the poſſeſſion of the lands in queſtion; and this having been done, in conſequence of Edward's interpoſing his authority, it is probable he was the more ready to hear and ſupport the plaintiff, whom Baliol, by the advice of his parliament (held eight days after Candlemas), had not only diſpoſſeſſed of the aboveſaid lands, but committed to priſon, on account of his violent intruſion into the poſſeſſion of them. Macduff, however, being ſoon reſtored to his liberty, employed it in repreſenting his grievances to the Engliſh king, and in ſeeking redreſs from him as ſovereign of Scotland: upon which a ſummons was ſent to Baliol, to appear before Edward, wherever he ſhould be in England, on the morrow of the feaſt of Trinity, to anſwer the allegations of Macduff; to whom the ſame day was aſſigned, that the cauſe might be tried and decided according to juſtice. This ſummons the ſheriff of Northumberland was commanded in perſon to deliver to the king. March 25.

In the interval between the date of this ſummons and the day of appearance, there were *agents* or *ambaſſadors** of the Scottiſh king at the court of England, ſent by him, partly on occaſion of another ſummons prior to that in the cauſe of Macduff; and alſo charged with ſeveral requeſts, to be preſented, in their maſter's name, to the king of England. Theſe petitions† related to certain debts and arrears of the kingdom of Scotland, to the relief which Edward claimed from Baliol, for the ‡ lands held by Baliol's mother in Scot- Rym. ib. p. 635.

* Alexander Baliol chamberlain of Scotland, and Hugh Euer, knights.

† The account of theſe petitions and anſwers, in French, is placed in Rymer in the following year. But both the date expreſsly ſubjoined to them, and the matters they contain, particularly the affair of Maſon, ſhew that they belong to this year.

‡ Theſe muſt be the lands of Galloway; and in the anſwer of the king of England, it is ſaid, that it appeared from his rolls, that the relief of the lands of the king of Scotland which belonged to his mother in Scotland, amounted to 3289 *l.* 14 *s.* of which Edward forgave the king of Scotland 3000 *l.* and was content to be paid the remainder, at the rate of 40 *l. per ann.* half at Michaelmas, and half at Eaſter.

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land; and to other debts which Baliol himſelf and his father owed to the exchequer of England, for their eſtates or offices which they had held in that kingdom. With regard to all theſe articles, the anſwers made by Edward were favourable; although not granting every thing that was requeſted. A tranſcript of the accompts, that had been delivered at Berwick and Roxburgh, were alſo, on Baliol's deſire, ordered to be given to his agents by the treaſurer of England. Another requeſt of the king of Scotland was, that the debate between the towns of Haudene and Carham *, with regard to their boundaries, ſhould be terminated by the laws and cuſtoms of the marches; to which the king of England anſwered, that he underſtood this controverſy had been formerly tried, and the proceedings in it enrolled; that he would order a ſearch of the rolls, and then inform the king of Scotland of his pleaſure. Finally, with regard to the ſummons † on the ſuit of John Maſon, the king anſwered, that Maſon was dead, and thereby the action null.

Ryl. f. 152.

In the papers containing an account of the above particulars, no mention is made of the affair of Macduff; but from the record of the Eaſter parliament, at ſome of its meetings after the feaſt of Trinity, we learn, that Baliol, did not obey the ſummons. Upon which a new ſummons was ordered to be given to him, to appear before Edward within the fifteen days immediately enſuing the next Michaelmas. Some alterations and additions were made in the form of the new ſummons; and an order of proceeding was fixed, to be obſerved in caſes of future complaints and appeals to the king of England againſt his vaſſal of Scotland. Theſe regulations, which ſeem to be drawn up in the higheſt ſtrain of the authority of the ſuperior, according to the feudal ſyſtem, were full of rigour with regard to Baliol; while they gave all manner of encouragement and protection to his ſubjects, in their complaints of wrongs done them by their king or his courts.

Ryl. p. 157.

At the Engliſh parliament after Michaelmas, the king of Scotland was preſent, as alſo Macduff, the plaintiff againſt him. Baliol acknowledged, that Edward's ſummons had been delivered to him at Sterling, by the ſheriff of Northumberland; and at the ſame time profeſſed his readineſs, at all times, to receive the brieves and mandates of Edward as his ſovereign lord; but declared, that as king of Scotland, he neither dared ‡, nor could give anſwer in the caſe of Macduff, nor in any other that concerned his kingdom, without the advice of the eſtates. Time was offered him to conſider more maturely of his anſwer; but he refuſed the offer, and expreſſed his determination to

* In Rymer it is Barham; an error not to be corrected but by one who knows the country. Haudene is on the Scottiſh border; Carham on the Engliſh. *There is ſtill a common remaining undivided betwixt theſe places.*

Rym. p. 605.

† From the tenor of this ſummons, dated March 8, it appears, that John Maſon was a merchant of Gaſcony; who having furniſhed Alexander late king of Scotland with certain quantities of corn and wine, amounting in value to 2197 *l.* 8 *s.* the king aſſigned to him the cuſtoms of Berwick for payment of the debt. Maſon had begged the preſent king of Scotland to be heard in ſupport of his claim, in preſence of the executors of king Alexander, offering to prove his right to the ſum mentioned by letters and other ſufficient documents, but his requeſt was rejected; on which account he ſought redreſs by appealing to Edward.

‡ *Quod de aliquo regnum ſuum contingenti, non eſt auſus nec poteſt hic reſpondere, inconſultis probis hominibus regni ſui.*

adhere

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adhere to what he had ſaid. Edward then adviſing with his council, it was agreed, that the king of Scotland remained *without defence* againſt Macduff, who ſhould therefore recover damages for his impriſonment; and, upon due inquiry, according to the cuſtom of the country, ſhould have juſtice done him in the reſt of his plea. And with regard to the diſobedience and contempt of the king of Scotland, becauſe that prince was tempted to ſuch preſumptuous behaviour by the power belonging to his royal eſtate; and it was conſonant to juſtice, that any perſon ſhould be puniſhed in that which gave him boldneſs to offend; it was decreed, That the three principal caſtles of the kingdom of Scotland ſhould be ſeized into the king's hands, with the towns where the caſtles lay, and the royal juriſdiction in them; and be detained, until Baliol ſhould make ſatisfaction to Edward for his contempt and diſobedience. But before this judgment was pronounced, Baliol preſented to Edward a ſupplication; firſt in words, and afterwards in writing, 'profeſſing himſelf Edward's 'vaſſal for the kingdom of Scotland, and intreating a delay, until he ſhould 'conſult his eſtates about what concerned *them*, no leſs than *himſelf*; eſpecially 'as his Scottiſh ſubjects, who now attended him, refuſed to give him advice, 'without conſulting with their countrymen at home; promiſing, That after 'having thus adviſed, he would anſwer Edward at his firſt parliament after 'Eaſter, and perform to him what he owed.' This requeſt Edward granted, of his ſpecial grace, at the inſtance of the nobles and great men of his council, and with Macduff's conſent; and the morrow of the feaſt of Trinity was appointed as a new day for proceeding in the cauſe*.

Before the end of this year, Edward received from the French king, Philip the Fair, a treatment reſembling that which he had been giving to the king of Scotland: for quarrels having, from ſmall beginnings, grown to a great height between the ſeafaring-men of the Cinque Ports, and thoſe of Normandy, a fleet belonging to the former, aſſiſted by ſome ſhips of Bayonne, partly took, and partly deſtroyed, in the preceding ſummer, a great fleet of the Normans. Philip accuſed Edward of inſtigating and ſupporting his ſubjects in thoſe violent courſes; and Edward not conſenting to make the reſtitutions, or ſatisfac-

* Edward, to compenſate in ſome manner his rigorous treatment of Baliol, in the affair of Macduff, ſeems to have been ſufficiently ready to do him juſtice, with regard to the lands he claimed in England, as heir to Alexander late king of Scotland. For by the return of an inqueſt, made to the parliament after laſt Eaſter, it was found, that Alexander, at his death, ſtood poſſeſſed of the lands of Tindale, Penrith, and Sowerby; and Baliol having produced, at this Michaelmas parliament, the charter whereby Henry III. of England had granted to Alexander II. of Scotland, and his heirs, ſovereigns of that kingdom, the lands of Penrith and Sowerby, he was, on the Friday before All-Saints, admitted to do homage for all the lands mentioned, and alſo for his ſhare of the honour of Huntingdon; and Sir Patrick Graham, having ſworn fealty to Edward, on the ſoul of his maſter, orders were iſſued to give Baliol ſeiſin of all thoſe lands. *N. B.* No mention is made of any inquiſition into Baliol's right to a *propars*, or ſhare of the honour of Huntingdon, (although it ſeems to be ſaid, that it belonged to him as king of Scotland, *etiam pro proparte ſua honoris de Huntingdon ipſum regem Scotiæ contingenti.* Ryl. p. 165), nor of any ground of this claim. John de Haſtings put in a claim before the king and his council, at the Eaſter parliament, for his proportional part of the lands of Tindale, Sowerby, and Penrith, as being one of the heirs of the late king of Scotland. Upon which both parties were ordered to ſet forth the grounds of their claims before Edward's chancellor and judges. The king of Scotland's meſſengers and agents made their appearance as required, but Haſtings dropt his ſuit. Ryl. p. 160.

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tion that Philip demanded, matters came at length to ſuch extremity, that Philip iſſued his ſummons to Edward, as his vaſſal for Aquitaine, to appear before him in his court of peers, on the twentieth day after the enſuing Chriſtmas, to anſwer for his iniquitous proceedings. An attempt to heal this ſtrife, by the interpoſition of Edmund earl of Lancaſter, whoſe wife the queen of Navarre was mother of king Philip's queen, did, in the iſſue, render it more violent. Edward having reſigned into Philip's hands the province of Aquitaine, that it might be reſtored to him by a feoffment on new conditions, according to an agreement concluded by Edmund's mediation, Philip pretended, that his council would not conſent to the reſtitution; and Edward thus found himſelf reduced to a neceſſity of engaging in a war, for recovering his dominions in France.

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To his parliament, which met after Whitſunday, he explained the wrongs he had received from Philip; and, with the conſent of all, an expedition was decreed for the recovery of Gaſcogny. John king of Scotland was preſent at this parliament; and is ſaid, for his ſhare of the expences of the war, to have granted to Edward the rents of all his eſtates in England for three years. Perhaps this conceſſion rendered Edward more favourable to John, in regard to the appeals taken againſt him. To theſe appeals there had been lately added a new one, of more conſequence than any of the others, by the biſhop of Durham; who, claiming the towns of Berwick * and Haddington, with their appendages, as belonging to his church of Durham, had, in vain, ſought for juſtice, in the court of the Scottiſh king. Of this denial of juſtice the biſhop complained to the king of England; who iſſued a ſummons, to be delivered to Baliol, by the ſheriff of Northumberland, requiring him to appear before his ſovereign, to anſwer the biſhop's complaint, on the day after Midſummer. But we have no account of any farther proceedings in this cauſe.

Mat. Weſtm. p. 421. Hemingf. p. 43.

Rym. ib. 632. April 22.

It is probable, that the difficult ſtate of Edward's affairs in France, and his preparations for an expedition thither, occupied all his thoughts, and diſpoſed him to a more gentle treatment of the king of Scotland and his ſubjects. Yet he ceaſed not to exerciſe his ſovereignty over them, in matters reſpecting his war with France; for having, in the beginning of June, laid a ſtrict embargo on all the ſhips in the Engliſh ports, he required Baliol, upon his fealty, to do the like in Scotland. And having fixed the firſt of September for the day of a general rendezvous of his military tenants at Portſmouth, for an expedition into Gaſcogny, he ſummoned the king of Scotland to ſend thither *ſome part of his vaſſals*. He alſo ſummoned ſeveral of the chief nobles of Scotland; both ſuch as had eſtates in England, and ſuch as had not, to give him their attendance †; not requiring the preſence of the latter, upon their fealty and homage, but rather aſking it as a favour; and particularly declaring, that their perſonal preſence would be more agreeable to him, although with a ſmaller company of

Rymer, ib. 636.

Rym. ib. 642, 643. 644.

* Probably the biſhop's claim to Berwick was founded on the ancient donation of that town, made to St. Cuthbert's ſee, by king Edgar.

† Among theſe were, Robert Brus lord of Annandale, John de Comyn earl of Buchan, Patrick de Dunbar earl of March: there were ſix other earls; alſo James Steward of Scotland, and eleven conſiderable barons. Rym. ib. 643, 644.

their men, than a greater number of theſe, if they themſelves were abſent. But, inſtead of the deſired attendance, both the king and his nobles ſent excuſes. John Baliol, K. of Scotland. 1294. Hemmingf. i. 75.

So far were the Scots from aiding Edward againſt France, that they fondly embraced the opportunity offered them by the breach between France and England, to ſeek the aid of the former againſt the uſurpation and oppreſſions of Edward. They were farther encouraged in this project by a very troubleſome rebellion of the Welch againſt Edward; which required the preſence of that monarch in perſon, for many months, to quaſh it, and to ſettle the country in peace. A. D. 1295. Baliol had conſiderable poſſeſſions in Normandy, which connected him with the French king; but he had alſo large eſtates in England, had long lived there as Edward's ſubject, and knew well his greatneſs; whence it is probable, that, although provoked by Edward's tyrannical proceedings, he would much dread the conſequences of an open defection from him. The knowledge of theſe circumſtances, not to mention the weakneſs of underſtanding imputed to him, would naturally hinder his Scottiſh ſubjects from placing any confidence in him, in conducting a quarrel with England. And hence the account ſeems not improbable, which is given by ſeveral of the Engliſh annaliſts, That a parliament at Scone, having reſolved to throw off the Engliſh yoke, elected, out of their own number, a council of twelve; conſiſting of four biſhops, four peers, and as many barons, in imitation of the twelve peers of France, by whom their king ſhould be directed in all public affairs; and to free both king and people from the bond of fealty which they had ſworn to Edward *, an abſolution from that oath was ſolicited, and obtained, from Pope Celeſtine. Weſtm. Hemingf. Triv. Walſing. Knighton. Hem. i. 83.

While Edward was yet in Wales †, the *biſhops of St. Andrews and Dunkeld*, with John de Soules, and Enguerrand de Unframville, knights, were commiſſioned to go over to France, to negociate and conclude the projected treaty with the French king, which was ratified at Paris in the following month of October. By this treaty a marriage was agreed, and its conditions ſettled, between Edward the eldeſt ſon of John Baliol, and the declared heir of his kingdom and eſtates, and Joan daughter of Charles of Valois, the king of France's brother. The king of Scotland engaged to aſſiſt the king of France with all his power by land and ſea, in the courſe of the preſent war between France and England; and particularly, if the king of England ſhould, in perſon, go forth from his own country, carrying with him a conſiderable body of his forces, the king of Scotland, on that event, ſhould, with his whole forces, carry war into England, as far and wide as he could. On the other hand, Philip engaged, that, in caſe of an invaſion of Scotland, by the united forces of England, after a war begun, at Philip's requeſt, or on occaſion of the affinity, or confederacy, now concluded, he would either find employment for the king of England elſewhere, by attacking ſome of his domi- July 5. Rym. vol. ii. p. 695—698. Ford. l. 11. c. 16, 17. And. Dipl.

* It is remarkable, that the Scots, in defending their conduct to Pope Boniface in 1301, make no mention of this abſolution of Celeſtine; and ſeem to think it a ſufficient defence of Baliol and his ſubjects, for their breach of faith to Edward, that their oaths were extorted by force.

† Edward returned from Wales in the end of July 1295, having been there from the beginning of the preceding winter.

nions;

Edward I. K. of England. 1295.

nions; or ſend a competent aid of forces into Scotland, and maintain them at his own expence, until they ſhould arrive there. It was alſo agreed, that neither of the contracting parties was to conclude peace or truce, without including his ally.

Although Edward muſt have, long before this time, been ſufficiently irritated by the behaviour of Baliol and his ſubjects, yet his deſire of employing his whole force, for recovering his French dominions, made him averſe to enter into a war with the Scots. And as they were ſtill giving fair words, notwithſtanding their ſecret counſels and preparations, of which Edward could not be ignorant, he made a propoſal, That, for the ſecurity of himſelf and his kingdom, the king of Scotland ſhould deliver to him the caſtles and towns of Berwick, Roxburgh, and Jedburgh, to remain in his poſſeſſion, while his preſent war with the French king continued; binding himſelf and his heirs to reſtore them at the end of the war; and that the preſent ſurrender of them ſhould be no prejudice to Baliol or his heirs*.

Rym. ib. 692. October.

Prynne, iii. 537.

Edward holding a parliament at St. Edmundſbury after Martinmas, the abbot of Aberbrothick, with ſome Scottiſh nobles, came thither with letters from their king, containing excuſes for his abſence from ſome former parliaments. Theſe envoys alſo complained, in their maſter's name, of many and grievous injuries daily done to himſelf, and his ſubjects, by the ſubjects of Edward; and deſired that monarch to apply a proper remedy to theſe miſchiefs. The anſwer given by Edward was, That he intended a progreſs to the northern parts of his kingdom, and would there take ſuch order, with regard to all offences committed by his ſubjects againſt the Scots, as ſhould give full ſatisfaction to the king of Scotland: that he now granted a prolongation of the day aſſigned by his juſtices to that king, for anſwering in the affair of Macduff, until the firſt of the enſuing March, at Newcaſtle upon Tyne; on which day he enjoined the abbot, and his fellow-envoys, to warn their king to be preſent in perſon at that place, to treat with Edward on the matters before-mentioned, and others that pertained to the ſtate and tranquillity of each kingdom.

Prynne, iii. 540.

This ſummons was renewed by the abbots of the new monaſtery, and of Welbeck, who were ſent on this purpoſe from Edward to the king of Scotland, and did alſo in vain renew the demand of the caſtles, on the terms already recited. With the like contempt was treated a requeſt from Edward, that the Scots would not admit into their ports his enemies of France or Flanders. While matters were thus tending to an open rupture, the garriſon of Berwick, conſiſting of the military tenants and fighting men of Fife, who, by reaſon of the minority of their earl, were then under the king's immediate command, attacked certain Engliſh veſſels that had entered the port, ſetting fire to the ſhips, and giving no quarter to thoſe on board. This, added to former provocations, made it evident, that the force of Edward's arms was the only means of maintaining that ſovereignty, which his policy, and the dread of his greatneſs, had acquired.

Hem. i. 83, 84.

* Such an engagement was given to the biſhop of Carliſle, to be delivered by the biſhop to the king of Scotland, if that king had conſented to give up theſe places.

Other

Other preludes to an open war were, Edward's ſeizing all the lands poſſeſſed in England by Baliol, or by any of thoſe Scotchmen who had entered into the project of caſting off the Engliſh yoke; while, on the other hand, all Engliſhmen were driven out of Scotland; the lands they poſſeſſed there, taken from them; and the eſtates of thoſe Scotchmen alſo forfeited, who, from the fear of loſing their poſſeſſions in England, or other conſiderations, refuſed to join their countrymen in the ſtrife for liberty. John Baliol, K. of Scotland. 1295. Hem. ib.

Edward kept his day at Newcaſtle, accompanied by his nobles, and an army of 30,000 foot, and 4000 men at arms *; beſides the little army of the biſhop of Durham's, conſiſting of 1000 foot, and 500 horſe. After ſummoning in vain the king of Scotland, and waiting ſome days for his appearing, he advanced to Bamburgh, where he alſo made ſome ſtay, and probably repeated the ſummons †. He ſeems to have been there, when he received intelligence, that Robert de Ros, lord of Wark, had abandoned his caſtle, and gone over to the Scots; the violence of his paſſion for a Scotch lady, whom he ſought in marriage, proving too ſtrong for his bond of duty to his king and country. His brother William, whom he endeavoured in vain to make a partner of his treachery, continued in the caſtle; and ſent a meſſage to the king, then at Newcaſtle, requeſting a ſpeedy aid; leſt the Scots, prompted and conducted by his brother, ſhould make themſelves maſters of the place. The king immediately ordered a thouſand men to march towards Wark; who having reached, in the evening, a little town in its neighbourhood, called Preſtfen, took up their quarters there for the night, not dreading any hazard. But the traitor, Robert Ros, having intelligence of their ſituation, led a party of Scots from the garriſon of Roxburgh; who having inveſted the village, and agreed on proper ſignals to diſtinguiſh each other in the dark *from the Engliſh*, ſet fire to the houſes; and the Engliſh, flying from the flames, were ſlain by their enemies, and ſome of them by each other. A few, who made their way into the fields, were taken, and carried priſoners to Roxburgh-caſtle. *The leader of the party* eſcaped, having loſt his horſes and arms. A. D. 1296. Hem. i. 85. Knyghton, col. 2478, 2479, 2480.

Edward having intelligence of this diſaſter the morning after it happened, is ſaid to have given thanks to God, that his adverſaries, having entered his kingdom, had been the beginners of a war, which he hoped to conclude happily. He immediately marched with his whole army to Wark; but Eaſter being juſt at hand, he would not paſs the boundary of his kingdom, until that feſtival was over; and therefore kept it in the caſtle of Wark. While he tarried there, he was joined by the elder and younger Robert Brus, by Patrick earl Hem. i. 102.

* *Gens d'Armes*, or heavy armed horſemen.

† Edward, in his famous letter of vindication to Pope Boniface in 1301, ſays, That for the ſecurity of his kingdom, he came to the border between England and Scotland, and ſeveral times ſummoned John, then king of Scotland, to come to him at certain places, on the ſaid border, that he might give proper ſecurity for preſerving the ſtate, tranquillity, and peace of both kingdoms; and might alſo hear the pleaſure of the king and his council, and receive juſtice at their hands: "quod "ad certa loca in confinio prædicto ad nos accederet ſuper præmiſſis et aliis, pro ſtatus tranquillitate "et pace utriuſque regni aſſecurationem facturus, et alia per nos et concilium noſtrum ſibi expedi-"enda auditurus, et ſuper his et ea contingentibus juſtitiam recepturus." Rym. ii. 887.

Edward I. K. of England.

of March and Dunbar, and by Gilbert Umfranville earl of Angus, who all renewed to him their engagements of fealty and obedience.

1296. March 25. Hem. i. 87. Lel. coll. i. 540.

The chieftains and fighting men of Scotland were, in great numbers and different bodies *, aſſembled near the borders, for defence of their country; but inſtead of facing Edward's main army, they endeavoured to embarraſs him, and oblige him to divide his forces, by entering England over the weſtern march. This they did, with a numerous army, led by ſeven Scottiſh earls, on Eaſter-Monday, while Edward was yet at Wark. Having waſted the country, in their way to Carliſle, they burnt the ſuburbs, and attempted to ſtorm that city; but the inhabitants made ſo ſtout a reſiſtance, even the women mounting the walls, to throw ſtones and pour hot water on the aſſailants, that they abandoned their enterpriſe, and ſpeedily returned to their own country.

This inroad of the Scots ſeemeth not to have in the leaſt diſturbed Edward in proſecuting the plan he had formed. On the Wedneſday after Eaſter, he entered Scotland with his main army, by fording the river Tweed, below the nunnery at Coldſtream; and though the river was conſiderably ſwelled, yet all paſſed in ſafety, except a ſingle boy, who, falling from his horſe, was carried down the ſtream and drowned. On the ſame day, the biſhop of Durham led his men over the river, at a ford near his caſtle of Norham; and the whole army marching along the Scottiſh ſide of the river, came before Berwick. The king ſummoned the townſmen and garriſon to ſurrender, offered them conditions of peace, and waited for their acceptance of theſe the remainder of that day, and all the day following. But his offers being rejected, he moved his camp, and fixed his quarters in the † nunnery, ſituated in the fields of Berwick, at the diſtance of about a mile from the town.

Hem. i. 89.

Hem. i. 90.

In the forenoon of the following day, Edward drew up his army on an extenſive field adjoining to the nunnery, and gently ſloping towards the river and town ‡; and, with the uſual ceremonies, publickly conferred the honour of

* *Scoti—congregati, per turmas ſuas ſparſim ſeparati.* Hem.

Edward's letter, above quoted, alſo mentions ſome hired foreigners whom the Scots had in their army, *ac etiam alios exteris conductitiis.* Rym. ii. 887.

† Trivet and Walſingham copying him, very abſurdly take this nunnery for that at Coldſtream.

‡ The circumſtance mentioned by Hemingford, of the king's moving his camp, after the conditions he offered were rejected, agrees with Fordun's account of the king's removing his tents, after encamping for ſome time *about* (circa) the town; that is, near the wall and ditch on its weſt and north ſide; for the natural ſite of the town did not admit of its being inveſted. Fordun farther relates, That Edward brought back his army, furniſhed with banners and colours, reſembling thoſe of the Scots; and, according to another Scottiſh writer, ſome of Robert Brus's men had been ſent from the Engliſh army into the town to promote the deceit, by pretending that they were come to give advertiſement of a great aid that was ſent from Baliol their king, and was following them at a ſmall diſtance. And ſoon after, Edward's army appearing with the well-known enſigns of Scotchmen, thoſe in the town opened their gates, and many went forth to meet them; and thus the Engliſh poured into the town, and maſſacred all in their way, without diſtinction (ſay the Scottiſh writers) of age or ſex. Perhaps the Engliſh authors have thought it more for their king's honour to conceal this ſtratagem; but the circumſtances which they relate, compared with the ſituation of the town, and its environs of land and water, give ſome degree of probability to Fordun's account. The muſter of Edward's army was on the declivity, and hanging ground, at the foot of the eaſt end of Halidown Hill, in full view of Berwick caſtle, and of the adjacent high parts of the town.

of knighthood on Henry Percy and many others. This muſter of the army, and diſplay of many banners, being made in full view of a fleet of Edward's ſhips, then lying in the road before the river's mouth, the men on board believed that the king was preparing inſtantly to aſſault the town. Ambitious of having a part in this enterpriſe, and favoured in their attempt by the ſetting in of the tide, they boldly entered the river's mouth, and ſailed towards the haven. *Three* of them ran a-ground; and being fiercely attacked by the garriſon, the crews were partly killed, and partly eſcaped in boats, or by ſwimming; but the ſhips were burned, and the reſt of the fleet were glad to retire by the aſſiſtance of the ebbing tide.

John Baliol, K. of Scotland. 1296.

Trivet, vol. iv. p. 289.

The whole progreſs of this enterpriſe, and eſpecially the flames and ſmoke of the burning ſhips, were clearly ſeen from the field on which the king had drawn up his army. Edward was deſirous to aſſiſt and ſave his fleet; and the opportunity favouring an aſſault on the land-ſide, while the attention and efforts of the defenders *of the place* were employed on the ſide next the river and ſea, he ordered his army immediately to march up to the town, and force their way into it. The defence of the town conſiſted, at that time, only of a ditch and barricade of boards. Through theſe the Engliſh army made their entrance with very little difficulty; and the garriſon and inhabitants aſtoniſhed with the ſuddenneſs of the event, and overwhelmed with ſuperior numbers, were ſlaughtered without reſiſtance. The only oppoſition that was made, was by thirty Flandrian merchants, who held out a ſtrong tower, called the Red Hall (*a*), till the evening; when fire being ſet to it, the building was conſumed, and thoſe within it. In the attack of this tower was ſlain a valiant knight (*b*), brother of the earl of Cornwall; a lance being puſhed through his eye into his head, as he was raiſing it up towards thoſe who fought from above. In this

Hem. i. 90.

March 30th.

(*a*) The Flandrians are ſaid to have received this place on condition that they ſhould conſtantly defend it againſt the king of England.

(*b*) And, according to Trivet, the only knight who was loſt in this aſſault.

Early in the morning, or in the night before, Edward might, unobſerved from the town or caſtle, detach a great part of his army over the hill towards Scotland, which marching on the north of the hill, towards the ſea, might make a turn, and come along the tops of the ſea-banks to the town; in which way of approach a great part of their progreſs could not be ſeen from the place where the Engliſh army was drawn up; and might be readily ſuppoſed by the garriſon not to have been noticed by that army, while taken up with their muſter, and thus the deluſion ariſing from the appearance of the Scottiſh enſigns might be confirmed. But ſuppoſing this circumſtance to be a fiction, it would ſeem, that the beſt account that can be given of Edward's moving his camp (in relating which, Fordun and Hemingford agree), and of all that followed, was, That Edward removed his army to the neighbourhood of the nunnery, in order to his ſending from thence a detachment over the hill, unobſerved by thoſe in town, which detachment might approach it in the way already mentioned; and that to favour this approach, by carrying the whole attention of the people in the town and caſtle towards different objects, he made the muſter of his army on the ſide of Halidon-hill; and perhaps, at the ſame time, gave orders to his ſhips, to enter the mouth of the river.

Fordun gives ſome monkiſh verſes, deſcribing the ſtratagem by which Berwick was taken.

Hic villæ turmas caute ſtatuit perimendas
Cujuſdam fraude, qui ſemper erit ſine laude.
Vexillum cujus cives decepit et hujus
Nomen ſiletur comitis, ne fraus iteretur.
Cives bellando ſic vicit marte nefando.
M ſemel et bis C novies X ſex ſimul adde
Villa ſuper Tuedam, Berwicum nomine, prædam
Anglis inimica dedit, heu! male fraude ſubacta.
Hoc in Aprilias quarto die eſſe Kalendas.

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general carnage, above eight thouſand are ſaid to have been killed *; among whom were all the gentry and fighting men of Fife. On the ſame day the caſtle was ſurrendered by its captain, William Douglas; and the king ſlept in it on the enſuing night. The garriſon of the caſtle conſiſted of two hundred men, to whom Edward granted their lives, limbs, and eſtates; and allowed them to depart, with their arms, after ſwearing that they would never thenceforth wield them againſt the king and kingdom of England; but Douglas was kept a priſoner *in the caſtle*, until the concluſion of the preſent war.

Hem. 91. Fordun.

All the males belonging to the town being ſlain, the women were, ſome days after, ſent into Scotland. The king continued † fifteen days in the town; and in order to fortify it againſt future aſſaults from the ſide of Scotland, cauſed a vaſt ditch to be dug through the neck of land between the ſea and Tweed, eighty feet broad, and forty feet deep. On *the 5th of April* there came to Edward at Berwick, ſent from the king of Scotland, Adam Blount, guardian of the friar minors at Roxburgh, with three of his monks attending him, and delivered to Edward the renunciation, or reddition of the homage of Baliol their king. The inſtrument of this renunciation, which Edward ordered to be regiſtered ‡ in the rolls of his chancery, bears, That Edward and others of his kingdom had committed many and grievous wrongs and outrages againſt Baliol himſelf, and his ſubjects; that Edward had moſt unreaſonably vexed him, by citing him on the frivolous ſuggeſtion of any plaintiff, to appear

Hem. i. 91, 92.

Rymer, vol. ii. p. 707.

* Fordun calls them ſeven thouſand five hundred, as does alſo Winton. Fordun adds, That the ſtreets ran with blood two days; and in ſuch quantity, as ſufficed to make mills go. Ford. l. 11. 20. Boethius calls them about ſeven thouſand; and ſays that mills were actually ſet a going with their blood. Matthew Weſtminſter ſays, That all were ſlain without diſtinction of ſex, except a few, who afterwards abjured the town; and that the number of ſlain was ſaid to be ſixty thouſand. Weſtm. ad Ann. p. 427. For ſo ſmall a place, eight thouſand was a great number. Knighton makes the number of ſlain ſeventeen thouſand four hundred and ſeven, p. 2480.

In the inſtructions of the regency and council of Scotland to their procurators at Rome in 1301, five years after this event, it is ſaid, That after taking the then noble town of Berwick, the king and his army committed the moſt barbarous cruelties on the inhabitants; who, to the number of almoſt eight thouſand perſons, were ſlain without diſtinction of character, ſex, or age. The churches afforded no protection to thoſe who fled into them; and after being defiled by the blood of the ſlain, and ſpoiled of all their ornaments, it was moſt notorious, that the king and his followers made ſtables of them for their horſes. Ford. l. 11, c. 54, 55.

This carnage may be aſcribed to reſentment of the cruelties committed laſt year by thoſe of Berwick on the Engliſh ſailors and merchants, and alſo to a view of ſtriking terror into the Scots for the ſake of preventing future reſiſtance. It was alſo the cuſtom of war in thoſe days, to commit ſuch deſtruction in ſtorming towns.

† Probably xv. in Hemingford is a wrong reading for xxv.; for the king was at Berwick on the 24th of April, as appears from two papers in Rym. p. 708, 709, bearing date there on that day. Theſe papers notify Edward's conſent to a ceſſation of arms with France until the enſuing Chriſtmas, if the king of France ſhould alſo agree to it; in order to pave the way for treating of a truce, which the biſhop of Albano, a cardinal, had come from the Pope to ſolicit, and had followed the king to Berwick on that errand. It is probable, that the king's ſtay at Berwick was protracted by his reception of this cardinal, and negotiation with him. Several other papers relating to this truce, are dated at Roxburgh, on the 12th and 14th of May. Rym. p. 709—713.

‡ This letter is ſaid, in the record thereof publiſhed by Rymer, to have been compared and copied on the 26th of April, in the houſe of the Carmelite friars at Berwick, in preſence of John Langton, the King's chancellor, William Hamilton, archdeacon of York, and Robert Galbi, a notary public. The letter hath no date; a circumſtance noticed by Hemingford.

before

before him, out of his own kingdom; that he had iniquitouſly ſeized caſtles, lands, and poſſeſſions belonging to the king of Scotland and his ſubjects, within the kingdom of England; that he had forcibly taken, or protected thoſe who had taken their goods, both by land and ſea; had killed merchants, and other inhabitants of Scotland; violently carried away Scottiſh ſubjects into England, and detained and impriſoned them there; that the king of Scotland had often in vain demanded the redreſs of theſe injuries; which Edward was ſo far from granting, that he had now, with a vaſt army, come to the Scottiſh frontiers, to expel himſelf and his ſubjects from their inheritances; and having actually entered Scotland, had, by land and ſea, perpetrated the moſt cruel hoſtile deeds; all which Baliol being no longer able to bear, and reſolving not to remain in that fealty and homage, which had been extorted from him by violent oppreſſion, but openly to oppoſe himſelf to Edward, in defence of himſelf and his kingdom, he *returned** by the preſent letters the fealty and homage performed by himſelf, or by any of his liege ſubjects, on account of the lands they held of Edward *in England*, or of any other *engagement that bound them to him.*

John Baliol, K. of Scotland. 1296.

The Scottiſh army that invaded England in Eaſter week, after returning to their own country, marched along the border to Jedburgh; which was more than half of the way from Carliſle to Berwick. But not thinking it prudent to hazard a battle with Edward, by approaching nearer; and ſtill hoping to divide his forces, by obliging him to ſend part of them to protect his own dominions, they made a new invaſion from the caſtle of Jedburgh into the country, on the other ſide of the mountains; where, after beſieging the caſtle of Harbottle two days, they were obliged to leave it, with the loſs of ſome of their men. They advanced thence into Redeſdale and Tindale, burning and laying waſte the country in their way, and committing horrid cruelties on the wretched inhabitants †. They deſtroyed Corbrigg, burned the town, monaſtery, and church of Hexham, alſo the nunnery of Lameſlay; and had advanced to Lanercoſt in Cumberland; when, being alarmed with a report of the approach of the king of England's army, they returned to their own country, through the foreſt of Nicolai, on the ſixth day from their ſetting out, carrying off with them a great quantity of booty.

Hem. i. 93.

April 8th.

All this while Patrick earl of Dunbar‡, was attending and ſerving Edward with a great body of his vaſſals. But his counteſs, who reſided in the caſtle of Dunbar, improved the opportunity of her huſband's abſence, to gratify

Hem. i. 94, 95, 96.

* The returning of homage, by the perſon that owed it, aroſe from the feudal idea, that the dependence into which the ſuperior received his vaſſal, was a favour and gift that the former conferred on the latter.

† Edward's letter to Boniface in 1301, deſcribes theſe cruelties, probably with ſome exaggeration; he ſays, The Scots inhumanly deſtroyed an innumerable multitude of his ſubjects, burnt monaſteries, churches, and towns, with an unpitying and ſavage cruelty; ſlew infants in their cradles, and women in child-bed, barbarouſly cut off ſome women's breaſts, and burnt in a ſchool, whoſe doors they firſt built up, about two hundred young clerks, who were learning their firſt letters and grammar. Rym. ii. 887.

‡ *Cum Comes Patricius, qui vulgariter dicitur Counte de la Marche, potenter fideliterque Regi noſtro militarit.* Hem.

This earl of Dunbar was called *Patrick with the Black Beard.* Lel. i. 540.

Edward I. K. of England. 1296.

her own paſſion for her country and abhorrence of the Engliſh yoke, by making an offer of delivering up the caſtle to the leaders of the Scottiſh army on the borders. This was ſo important an acquiſition, that the three earls of Roſs, Athol, and Monteith, with four barons, and a ſelect number of knights and gentlemen, were ſent to accept of the offer; who expelled thoſe who held the place for the king of England, not without the ſlaughter of ſome of them *. Edward, on receiving intelligence of this event, immediately diſpatched the earl of Warrenne with a great body of his beſt troops to lay ſiege to the caſtle; and the garriſon being ſoon reduced to ſtraits, obtained a ceſſation from hoſtilities for three days, in order to their ſending a meſſenger to their king to inform him of their ſituation, and to receive his orders about terms of capitulation. But the place and perſons within it were of ſo much conſequence, that Baliol reſolved to hazard a battle for its relief. The Scottiſh army is ſaid to have conſiſted of 40,000 foot and 1500 horſe; and were probably encouraged to give the Engliſh battle by the great ſuperiority of their numbers. As ſoon as they appeared deſcending in martial array over the hill againſt Dunbar, which was on the third day after the meſſage was ſent to Baliol, Warrenne, notwithſtanding his greatly inferior numbers, having left the ſervants of the great men of his army mixed with ſome ſoldiers to block up the place, advanced with the reſt of his forces to meet the Scots. The Engliſh, in deſcending towards a valley and marching over it, being obliged to break their ranks, their enemies imagining they were flying, expreſſed their exultation by a hideous noiſe of blowing their horns and howling. But when the Engliſh emerged from the hollow, and advanced up to them in good order, all this noiſe was turned into ſilence, and in the ſharp conflict that followed, the Scots were ſoon broken †. The Engliſh purſued their ſcattered foes the ſpace of ſeven or eight leagues, almoſt to the foreſt of Selkirk, and ſlew in the purſuit about 10,000. Next day, Edward came in perſon before the caſtle ‡, and it was ſurrendered to his mercy. Beſides the three earls abovementioned, there were taken in it four of the rank of barons, thirty-one knights, and an hundred eſquires, alſo two clerks §; who were all committed to cloſe impriſonment in different caſtles of England.

April 27th, Friday.

The

* Mat. Weſtminiſter, p. 427. ſays, that the Scottiſh army, on their return from England, with the lord Robert Ketingham, whom the king of France had that year knighted, laid ſiege to the caſtle of Patrick earl of Dunbar, which the garriſon treacherouſly ſurrendered on St. George's Eve, i. e. 22d of April.

† Sir Patrick Graham, a noble and renowned knight, diſdaining to fly, fought till he was ſlain. Fordun ſays, it was believed, that the earls of Athol and Mar, who were always of the party of Robert Brus, abandoned the field on purpoſe to give the victory to Edward; hoping that he would conquer the kingdom for their friend Brus. Ford l. 11. p. 25. One of the MS'S. of Fordun, ſays, that this battle was fought near a place called *Spot*. Heming. i. 97.

‡ According to Knighton, Edward moved from Berwick to Coldingham, on the Friday after St. Mark's Day, being the 27th of April, in his march towards Dunbar.

§ The three earls were, William earl of Roſs, William earl of Athol, Alexander earl of Monteith; the barons, John the ſon of John Comyn, William St. Clair, Richard Syward, John the ſon of Geoffry de Mowbray. The two clerks were, John de Somerville and William de St. Clair. Ford. Heming.

Fordun

The defeat at Dunbar was a fatal blow to the Scots; as it at once deprived them of counſel and courage; almoſt all their fighting men fled to the other ſide of the Frith of Forth, (called by the annaliſts of that time, *The Scottiſh Sea*,) excepting thoſe who garriſoned the caſtles of the ſouthern provinces. It was Edward's next work to reduce theſe caſtles, before he advanced farther into the kingdom. Returning therefore from Lothian, and coming before the caſtle of Roxburgh, it was immediately ſurrendered to him by its governor James Steward of Scotland, on condition of ſafety to the lives, limbs, lands, and goods, of the governor and his garriſon. The caſtle of Jedburgh was alſo about the ſame time yielded to him; and the king tarrying ſome days at Roxburgh, appointed a keeper of that caſtle with its town and ſheriffdom, and alſo a keeper of the caſtle, town, and ſhire of Berwick, and of the caſtle of Jedburgh with the foreſt of Selkirk *. Robert Brus † earl of Carrick was, by a commiſſion given him at Roxburgh, empowered to receive to the king's peace and obedience the inhabitants, whether Engliſh or Scots, in the marches of Annandale and parts adjacent; and his ſon had the ſame commiſſion for the county of Carrick. While the king remained at Roxburgh, a ſupply of 15,000 men came to him from Wales; upon which he ſent home about the ſame number of Engliſhmen, who had ſuffered moſt from the fatigues of the expedition.

John Baliol, K. of Scotland. 1296. Hem. i. 97. Rym. ib. p. 714, 716, 717.

From Roxburgh Edward marched to *Edinburgh* ‡, and being well provided with the great wooden engines uſed at that time in ſieges, he took the caſtle in eight days. Proceeding to Stirling, he found it abandoned, and was joined there by a freſh army from Ireland, conſiſting of 30,000 foot and 400 horſe, commanded by the earl of Ulſter. When he came to Perth, where he kept with great ſolemnity the feaſt of the Nativity of St. John the Baptiſt, the patron of that town, meſſengers came to him from John Baliol, imploring peace. This, on the part of the king of England, was negotiated by Anthony Bec biſhop of Durham, who gave a meeting in the caſtle of Brechin to Baliol and ſome of his

Hem. i. 98. June 24.

Fordun ſays, that many knights and barons fled from the battle to the caſtle of Dunbar, into which being received, being in all ſeventy knights, beſides famous eſquires, and other brave men, together with William earl of Roſs and the earl of Monteith, they were delivered as to ſlaughter by Richard Suard or Seward keeper of the caſtle. He adds, that Edward cauſed them all immediately to be put to different kinds of deaths. This laſt circumſtance does not agree with the verſes which are given by that author on this battle, vol. ii. p. 166. in which it is ſaid, that the captives were impriſoned. Ford. l. 11. c. 25.

Anno prædicto cepit rex agmine ſtricto,
Caſtrum de Dunbar; fraus fraudi non fuit impar.
Quo multi capti fuerant et carcere truſi.
Hoc poſt in Maias quinto die eſſe kalendas, &c.

* The governor of Roxburgh, &c. was Walter Tonk; of Berwick, Oſbert de Spaldington; and of Jedburgh, Thomas de Burnham.

† Theſe commiſſions to the Bruſes ſeem ſufficiently to confute the ſtory told by the Scottiſh writers, that after the victory at Dunbar, Robert Brus, the elder, came to the king of England, requeſting him to fulfil the promiſe he had formerly made, of giving him the kingdom of Scotland; to which Edward anſwered with diſdain, Have we no other buſineſs than to conquer kingdoms for you? Whereupon Brus, full of indignation, retired to his lands in England, and appeared no more in Scotland. Ford.

‡ *Ad caſtrum puellarum, quod Anglice dicitur Edenſburgh.* Hem.

nobles.

Edward I. K. of England. 1296. Rym. ib. 718. Hem. i. 100.

nobles. The unhappy prince could obtain no better terms than an abſolute reſignation of his kingdom, and the ſubmiſſion of himſelf and his nobles to the king of England's will. The inſtrument of this reſignation publiſhed by Rymer, is written in French, and dated at Kincardin on the ſecond of July *. It contains an acknowledgment of the offences which, through wrong counſel and his own weakneſs, Baliol had committed againſt Edward, while in his homage and fealty; his league with France; the defiance and renunciation of his homage to Edward; the ſending of his ſubjects to commit all manner of hoſtilities in England; and his fortifying the towns and caſtles of Scotland againſt the Engliſh king, thereby deforcing his fee. On which account Edward, having entered Scotland with his ſtrength, had conquered and ſeized it as a lord might in juſtice do with his fee, upon the vaſſal's renouncing his homage and behaving as Baliol had done. Wherefore Baliol, being fully in his own power and acting with perfect freedom, ſurrendered to Edward his whole land of Scotland, with all its inhabitants and all their homages. Baliol gave at the ſame time to Edward; his eldeſt ſon as an hoſtage; and both father and ſon were ſoon after ſent by ſea to London, where they remained more than three years in cuſtody.

Hem. i. 99.

Hem. i. 100.

Edward marched north from Perth to Aberdeen †, and thence to Elgin in Murray, receiving the ſubmiſſion of all in his way, and meeting with no reſiſtance. Judging it unneceſſary to proceed any farther, he turned back towards Berwick, where he had ſummoned his parliament to aſſemble on the twenty-third of Auguſt; and, as he paſſed by Scone, he ordered the chair on which the Scottiſh kings uſed to be inaugurated, called the *Fatal Chair*, to be removed to London, as a monument of the conqueſt and reſignation of the kingdom. The Scottiſh writers add, that he induſtriouſly ſought out, and deſtroyed or carried away every monument of the antiquity and independency of the nation.

The parliament met at Berwick upon the appointed day, and perſons of all ranks from the different quarters of Scotland reſorting to it, renewed their fealty to Edward, and their renunciation of their late alliance with the king of France againſt him; which fealty and renunciation they confirmed by their oaths and their letters patent, the record whereof, drawn up by a notary, filled

* The form of this reſignation, though its ſubſtance is the ſame, is in Fordun longer, and in a very different ſtyle. It is dated July the 10th, without mention of a place. The French copy in Hemingford, the ſame with Rymer's, is dated at Brechin, July 10th. So is Walſingham's Latin copy.

According to the account of this ſurrender of Baliol given by Edward's procurator, when he delivered Baliol to the Pope's nuncio in 1299, Baliol was only aſſured of the ſafety of his life and limbs, but not of his liberty, *vita et membris, abſque corporis incarceratione tantummodo ſibi ſalvis.* Rym. ii. 848. The Scots, pleading the cauſe of their independency at Rome in 1301, affirm, that Edward having violently ſeized Baliol's perſon and kingdom, and at the ſame time compelled his chancellor to deliver up his great ſeal, did, as was ſaid, after Baliol and his ſon were ſent priſoners into England, cauſe the letters of the above reſignation to be forged, and afterwards publiſhed them to the inhabitants of Scotland, although they never were nor ſhould be ratified by Baliol, *quas nunquam poſtea ratas habuit rex noſter, nec habebit.* Ford. l. 11. c. 63.

† While the king moved northwards, the biſhop of Durham leading the way, was always a day or two's march before him. Hem. ib.

a roll

a roll conſiſting of thirty-five ſkins of parchment, which is ſtill preſerved in the Engliſh archives. In conſequence of theſe new engagements, the ſheriffs of the ſeveral counties were commanded to reſtore to * abbots, priors, and other eccleſiaſtical perſons, their lands, houſes, and corns, that had been ſeized for the king. The ſheriffs had orders to reſtore the like poſſeſſions to widows, whoſe huſbands had been dead before the alliance of the Scots with France, and who were not ſince married to the king's enemies; with a reſerve of thoſe women's caſtles, which were to be diſpoſed of at the pleaſure of the guardian of the kingdom. The guardian had alſo orders to aſſign certain annuities out of the eſtates of ſome of thoſe who were carried priſoners by the king into England, for the maintenance of their wives.

Interregnum in Scotland.

1296. Rym. tom. ii. p. 723. Prynne, iii. 665.

Rym. tom. ii. p. 726, 728.

After receiving the engagements above recited from his new ſubjects of Scotland, the king proceeded to ſettle the government of that kingdom. He appointed John de Warrenne earl of Surrey to be guardian of it during pleaſure; who, by virtue of his charge, was entitled to enter all the caſtles and fortreſſes of Scotland, and to remain and be entertained in them as long as he pleaſed. Orders were alſo given to the ſheriffs and all other perſons within the adjacent Engliſh counties of Northumberland, Cumberland, and Weſtmoreland, to aid and obey Warrenne as governor of Scotland, in every thing requiſite for the ſecurity and defence of that kingdom. Henry de Percy †,

A. D. 1297.

Rym. ib. 726, 731.

* In the liſt of religious perſons and houſes reſtored, publiſhed by Rymer, there is in proportion a greater number ſituated in the counties neareſt Berwick, and particularly in Berwickſhire itſelf, than in the more remote places of Scotland. The heads of convents and hoſpitals in the Mers that obtained ſuch letters of reſtitution, were, the abbot of Dryburgh, the prioreſſes of Eccles and St. Bathan's, the maſter of the hoſpital of St. Leonard's of Lauder, and the houſe of St. Auguſtine of Seggedin, and in the town of Berwick the order of Trinity and Captives, and the maſter of the hoſpital of St. Mary Magdalen *extra* Berwick. Letters of reſtitution were alſo given to the following perſons, Adam Lamb of Pouleſworth (Polwarth), Henry de Lamoton of Duns, Henry de Strivelyn of Upſetelington, and ten others. In Roxburghſhire, the like benefit was granted to the abbots of Kelſo, Jeddworth, and Melros, and to the maſters of the hoſpital at Jeddworth, of St. Mary at Rutherfurd, and to William guardian (cuſtos) of the hoſpital of St. John of Hoton (perhaps Heaton), and to ſeveral parſons. The orders for reſtitution to churches are almoſt all addreſſed to the ſheriffs of the counties where the churches were ſituated; but the property of religious houſes lay often in many different counties, and this made the orders for reſtitution to them neceſſary to be directed to the ſheriffs of all theſe counties. For inſtance, orders for reſtitution to Melros, were directed to ſeven Scottiſh ſheriffs, and alſo to the ſheriffs of Northumberland and Cumberland. The abbot of Alnwick appears in this liſt to have had property in the ſhire of Berwick. The very extenſive property of the military orders of the temple and St. John appears in it, from the former having orders for reſtitution on twenty-ſeven ſheriffs, and the latter on twenty-four. There are likewiſe in this liſt, orders of reſtitution on the ſheriffs of Berwick and Roxburgh, to ſeveral widows, whoſe names are mentioned. The widows who had orders for their reſtitution on the ſheriff of Berwick alone; were, Alice the wife of Philip Haliburton, Mariot of Benedict le Clerk, Helen of Stephen Papidei, Mary the wife of Philip de Keth, Joan of Thomas of Eſt-Neſebyte, Petronilla of William de Vepont, (de Veteri ponte) Margery of Adam Gurdon, Sarah of Duncan del Glen. Thoſe who had orders for reſtitution on the ſheriff of Roxburgh, were Mary the wife of Alexander Synton, and Roſa of Adam Dolfyn. Both counties are in this liſt ſeveral times mentioned along with others.

† His mother Eleanor was ſiſter to the earl of Warrenne. Henry himſelf was the ninth in deſcent from William Percy, who came over from Normandy with the Conqueror, and received from him a grant of many lordſhips, of which the greateſt part were ſituated in Yorkſhire: Topcliff in the North *(Riding)*, and Spofford in the Weſt Riding, being long the chief ſeats of this family. Dugd.

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Warrenne's nephew, being appointed keeper of the country of Galloway and ſheriffdom of Air, the ſheriffs and inhabitants of the adjacent counties of Cumberland and Weſtmoreland, received orders to give the like obedience and aſſiſtance to Percy in the province aſſigned to him, as to his uncle in his more extenſive charge. To theſe guardians were joined, for adminiſtering the civil affairs of the kingdom, Hugh Creſſingham treaſurer, Walter de Agmondeſham chancellor, who had the keeping of a new ſeal, in room of that which was ſurrendered by Baliol at Brechin, and broken, and William de Ormeſby chief juſticiary. The officers who uſed to ſerve the kings of Scotland by ancient cuſtom or hereditary right, the magiſtrates of towns and the keepers of the leſſer fortreſſes, were, on making their ſubmiſſion to Edward and taking the oaths he required, almoſt all continued in their offices.

Ford. l. 11. c. 27.

An exchequer for receiving the king's rents and taxes from Scotland, at leaſt from the ſouthern provinces of it, conſtituted on the * model of that at Weſtminſter, was eſtabliſhed at Berwick. Walter de Huntercombe, a man of extenſive property in Northumberland, being appointed keeper of the caſtle of Edinburgh, together with the ſheriffdoms of Middle, Eaſt, and Weſt Lothians, was ordained to account for the revenues of them at the exchequer at Berwick, and when a new keeper (John de Hodleſton) was, in the year following, appointed for the caſtles and counties of Galloway and Air, the ſheriffs in theſe provinces were ordained to anſwer for their iſſues and revenues in the ſame exchequer. Out of this exchequer payments were alſo ordered of royal grants; as appears from a remarkable one made by Edward, before he left Berwick, to teſtify his devotion and gratitude to St. Cuthbert. He ordered 40 *l.* to be paid annually to the prior and convent of Durham, to be expended in alms, and in feaſting the monks on the two annual feſtivals of their tutelary ſaint; to maintain alſo a maſs prieſt, and to furniſh wax candles to burn before the ſhrine and banner of the ſaint, while maſs was celebrating. The payment of the abovementioned ſum out of the Berwick exchequer was to be continued, until the prior and convent of Durham ſhould receive from the king and his heirs an eccleſiaſtical benefice in Scotland, that produced a clear annual revenue of equal amount with the ſum now granted.

Rym. tom. ii. p. 731, 793.

Rymer, ib. 730.

Edward's conqueſt of Scotland was not followed with that eſtabliſhment or increaſe of ſubmiſſion and obedience, on the part of his Engliſh ſubjects, that might have been expected from ſo great an addition to the power of their ſovereign. His clergy, headed by Winchelſei archbiſhop of Canterbury, in a parliament held in November, at St. Edmundſbury, refuſed to pay the double tenth demanded by the king, for aiding him to defray the expence incurred by the late Scottiſh war, and alſo to proſecute the war wherein he was ſtill engaged with France. The clergy pretended to juſtify their refuſal by a bull which Pope Boniface VIII. had iſſued in the preceding February, exempting all clerks from exactions impoſed by laick magiſtrates; and thoſe of the province of Canterbury perſiſting obſtinately in their refuſal, the king put them out of his protection, and ſoon reduced them to extreme diſtreſs, by ſeizing

Triv. p. 296.

* This circumſtance appears from an order of Edward to his barons of exchequer, dated at St. Edmundſbury Nov. 16. Regni. 24. Maddox Hiſt. Exch. p. 550.

all

all their poſſeſſions. This refractory behaviour of the clergy was ſoon followed by a reſiſtance from a great party of the lay-barons, that proved much more formidable and obſtinate. The heads of this party were, Humphry Bohun earl of Hereford, conſtable, and Roger Bigot earl of Norfolk, mareſchal of England. Theſe nobles refuſed to paſs over into Gaſcogne, at the king's deſire, retired from the parliament with a great body of armed attendants and followers, and hindered the king's officers from raiſing, within their eſtates, certain impoſitions, which they eſteemed exorbitant and illegal.

Interregnum in Scotland.

1297.

Feb 24.

Theſe domeſtick difficulties did, in a great meaſure, deprive the king of the advantage he hoped to reap in carrying on his war againſt France, from a ſtrait alliance he had concluded in the beginning of the year with the counts of Holland and Flanders; to the former of whom, John, he gave his daughter Elizabeth in marriage. In the courſe of the ſummer, the earl of Flanders being reduced to extreme diſtreſs by the prevailing arms of the French king, and the Engliſh conſtable and mareſchal continuing ſtill mutinous and obſtinate, Edward found it neceſſary to receive into favour the archbiſhop of Canterbury; whom he had not been able by his ſeverities to bend to his will. To this prelate, in conjunction with Reginald de Grey, he intruſted the care of his ſon, whom he left guardian of the realm on his paſſing over to Flanders in the month of Auguſt.

It is moſt probable that Edward's ſtrife with his clergy and nobles at home, and the continuance of his war with France, gave encouragement to the Scots to entertain thoughts of throwing off the Engliſh yoke. Hiſtorians alſo mention other circumſtances as conſpiring to prompt them to this attempt. Warrenne the guardian being advanced in years, and thinking the air of Scotland hurtful to his health, had retired into the north of England. Creſſingham the treaſurer was rapacious and proud; Ormeſby the juſticiary rigid and imperious. Orders had been given to the latter to adjudge to exile thoſe who refuſed to ſwear fealty to the Engliſh king. Theſe judgments Ormeſby gave; but Warrenne is ſaid to have been remiſs in carrying them into execution. It is reaſonable to think, that the extreme weakneſs to which the Scots were reduced by the loſſes they ſuſtained at Berwick and Dunbar, their almoſt univerſal ſubmiſſion to Edward, in his parliament at Berwick, and the captivity of their chief men in England, might lead thoſe Engliſhmen who had the adminiſtration of the affairs of Scotland, to the errors and exceſſes which they are ſaid to have committed: but it muſt at the ſame time be acknowledged, that the relaxation of lawful authority, and the public diſorders of all kinds, which had prevailed in that kingdom ſince the death of Alexander III. joined to the general averſion of the people to the yoke of their new maſters, could ſcarce fail to produce diſcontents and murmurings againſt their governors, although theſe had exerciſed their power in the moſt unexceptionable manner.

Hem. i. 118.

But perhaps theſe reſentments might not have broke forth into any open or dangerous reſiſtance, and in time might have been wholly ſmothered by ſuperior force, if the Scots had not found a leader wonderfully accommodated

Edward I. K. of England.

1297. Buch. Ford. l. 11. c. 28.

to their temper and circumſtances, in the perſon of *Sir* William Wallace*, ſecond ſon of Sir Malcolm Wallace of Ellerſlee. This man was under a ſentence of outlawry, on account of his refuſing to ſwear fealty to Edward; or, as the Scottiſh authors ſay, on account of his having ſlain, while yet in early youth, a young Engliſhman † of noble parentage, who inſulted him. His ſtature and ſtrength were gigantick, his aſpect and addreſs pleaſing and popular ‡; and he was equally renowned for ſubtlety and art in deviſing military ſtratagems, and for proweſs in executing the moſt dangerous atchievements.

Blind Harry, paſſim.

His firſt aſſociates were fellow-outlaws; in conjunction with whom he committed many deeds of violence on the perſons and eſtates of Engliſhmen who were ſettled in Scotland. The fame of exploits ſo pleaſing to his countrymen, being every where diffuſed, quickly increaſed the number of his followers; and the ſituation of affairs in England favouring the hopes of a revolution, many were tempted to violate their faith to Edward, and to join their bold and ſucceſsful countryman in his efforts to throw off the Engliſh yoke. Among

* In Walſingham's partial account of Wallace's beginnings and progreſs, he is ſaid, upon the Scots chuſing him for their leader, to have received the order of knighthood *(cingulum militiæ)* from a certain earl. Walſ. Hiſt. p. 90. Niſbet in his Heraldry, vol. i. p. 286. ſays, that Wallace was ſon and heir of Sir Malcolm.

According to blind Harry, who ſung Wallace's exploits about the middle of the fifteenth century, Sir Malcolm was ſlain by the Engliſh at Lochmaben, fighting on his knees, after his hams were cut; and alſo his eldeſt ſon Malcolm. Sir W. W. p. 2. 11. His mother was daughter to Sir Ranald Crawford of Loudoun, and ſiſter to another Sir Ranald Crawford ſheriff of Air.

† This, according to the poem, was the ſon of Selby conſtable of Dundee.

‡ The deſcription of Wallace, in blind Harry, which he ſays was given of him by the Frenchmen who had ſeen him in their country, is as follows: Sir W. Wallace, b. ii. p. 281.

Wallace ſtature of greatneſs and of height
Was judged thus by diſcretion of fight,
That ſaw him both on Cheval and in Weed
Nine quarters large of height he was indeed.
F. In. 6—11¼. Sc. ell 37 inches. Third part that length in ſhoulders brode was hee,
Right ſeemly ſtrong and luſty for to ſee;
In limmes great, with ſtalwart pace and ſound,
His brands hard, with armes long and round;
His hands made right like to a palmeir,
Of manlike make, with nails long and cleir.
Proportioned fair and long was his viſage,
Right ſad of ſpeech, and able of courage.
Both breaſted high, with ſturdy craig and greet,
His lippes round, his noſe ſquare and neit.
(a) Palpebræ. Burning brown hair on brows and *brees (a)* light,
Cleir aſper eyes like diamonds full bright.
Under his chin, on his left ſide was ſeene,
(By hurt) a wan, his colour was ſangueene.
Wounds he had in mony divers place,
But fair and whole well keeped was his faice.
Of riches als he keept no proper thing,
Gave that he wan like Alexander the king.
In time of peace meeke as a mind ſhould bee,
When war approached the right Hector was hee.
To Scotſmen right and good credence he gave,
But known enemies they could him nought deceive.

the

the firſt of the perſons of eminence in Scotland who joined Wallace, was Sir William Douglas * late captain of Berwick caſtle; who, after ſwearing fealty to Edward, had been reſtored by him to his liberty and eſtate. Theſe two, about the end of June, when the earl of Warrenne had gone to the Engliſh parliament, led ſo formidable a band towards Scone, that Ormeſby, the Engliſh juſticiary, who was holding his court there, hearing of their approach, fled away in great haſte, leaving his goods for a prey to Wallace and his followers. About the ſame time, Robert Brus the younger, earl of Carrick, James Steward of Scotland, with his brother John, and ſome other perſons of eminence and intereſt, joined the party of the ſucceſsful inſurgents, and committed all ſorts of violence againſt the Engliſh in the weſtern counties of the ſouth of Scotland.

Interregnum in Scotland.

1297. Hem. 118, 119.

Edward, directing all his thoughts and preparations towards his expedition into Flanders, where his preſence was greatly neceſſary, and probably receiving, for a while, imperfect accounts of the diſorders in Scotland, from thoſe who had the charge of that kingdom, ſeems to have neglected theſe diſorders too much and too long. Moſt of the perſons of higheſt rank and power in Scotland were his priſoners in England. Many of theſe perſons he had releaſed from their confinement, upon their finding ſureties for their fidelity, and engaging to accompany him into Flanders; and ſome of them he ſuffered to return to their own country, for the ſake of providing arms and attendants for this expedition. But being at laſt alarmed with accounts of the growing ſtrength and ſucceſſes of Wallace and his accomplices, and fully aſſured of a dangerous inſurrection by the biſhop of Durham, whom he had ſent to inquire concerning it, he iſſued his orders to the earl of Warrenne to chaſtiſe and ſuppreſs the rebels without delay, and for this ſervice to call forth all the militia of England to the north of Trent.

Rym. tom. ii. p. 775. 776. 782.

Hem. i. 121.

Warrenne ſent before him his nephew Henry Percy and the lord Robert Clifford, who entering the weſt of Scotland with the forces of the neareſt Engliſh counties, came up with a Scottiſh army commanded by the great chieftains abovementioned near Irwin †. The great ſuperiority of the Engliſh horſe, the diſſenſions of the Scottiſh leaders among themſelves, and the deſertion of Sir Richard Lundi to the Engliſh, determined the earl of Carrick and the other commanders, with the concurrence of the biſhop of Glaſgow, to ſurrender themſelves to Percy and Clifford, on condition of their paſt exceſſes being

July 9. Rym. tom. ii. p. 774.

* He was, according to Home of Godſcroft, the ſeventh lord of Douglas, brother and ſucceſſor to Hugh, and father of James. Edward gave him in marriage, for a ſecond wife, the daughter of William de Ferrars earl of Derby, who was nearly related to the royal line of Scotland; her mother being the eldeſt daughter of Roger de Quinci earl of Wincheſter, begotten on the daughter of Alan lord of Galloway and Margaret of Huntington. By this lady he was the father of Archibald lord of Galloway, who was progenitor of the earls of Douglas and Angus. Godſc. Crawf. in Geſt. Vall. Lord William's firſt wife was a daughter of lord Robert Keith, who bore to him his immediate ſucceſſor the lord James. See below, p. 206.

† Trivet, and Walſingham following him, mention Wallace as one of the commanders of this army: the other three they make the biſhop of Glaſgow, Andrew Moray, and the Steward of Scotland. In the printed copy of Trivet, Andrew Moray is confounded with the Steward of Scotland.

Triv. p. 300. Walſ. Hiſt. p. 70.

pardoned,

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pardoned, and of ſafety to their lives, limbs and eſtates; they, on their part, giving hoſtages for their future loyalty. The Engliſh commanders accepted of this ſurrender, on condition that the terms of it ſhould pleaſe the king, whoſe earneſtneſs to embark for Flanders induced him to ratify theſe terms before he ſet out; Warrenne having tranſmitted them to him from Berwick.

Wallace, who did not join in this ſubmiſſion, had by this time drawn the Engliſh almoſt entirely out of the north; and the wonderful ſucceſſes of this champion, joined to Edward's departure from England, which ſoon followed the above-recited ſubmiſſion of the Scottiſh nobles, made theſe ſlow in fulfilling their engagements. Warrenne being at Berwick with an Engliſh army, and preſſing the delivery of the promiſed hoſtages, pretences were found for delays; and when the Engliſh general threatened hoſtilities, they laid the blame of their delays on the lord William Douglas and the biſhop of Glaſgow; who, to confute this accuſation of falſehood, ſurrendered their perſons to the Engliſh general, and were committed to cuſtody, the former in the caſtle of Berwick ‡, and the latter in that of Roxburgh.

Hem 124. Triv. 300. Walſ. 70.

Hem. 124.

Warrenne leading his army from Berwick towards Sterling againſt the rebels, the Steward of Scotland, the earl of Lennox, and ſome other Scottiſh nobles, pretended to uſe their influence to bring Wallace and his followers to ſubmit to the Engliſh; but their endeavours were ineffectual, and by the Engliſh ſuſpected to be inſincere. Wallace hearing of the approach of the Engliſh, abandoned the ſiege of the caſtle of Dundee or of Cowpar, and waited for his enemies on the north ſide of the river Forth, over-againſt Sterling, nigh the abbey of Cambuſkenneth. Warrenne and Creſſingham, or the former giving way to the preſumption and impetuoſity of the latter, had the temerity to make the Engliſh army paſs the Forth over the narrow wooden bridge of Sterling; which gave Wallace the advantage of attacking the part that paſſed firſt, while it could not be ſupported by that which was left behind. The conſequence was, the deſtruction of ſeveral thouſands that got over; together with Creſſingham, who hazarded himſelf along with them. Sir Marmaduke Twenge, a ſtout and valiant knight, was almoſt the only perſon who fought his way back through the Scots; and to him Warrenne intruſted the keeping of the caſtle of Sterling, promiſing him *ſpeedy* ſuccour. Warrenne himſelf retired with precipitation to Berwick *; and thence ſoon paſſed into England, to give an account of the ſtate of Scotland to the prince and regency †.

Hem. i. 124, 125—130.

Sept. 11. Wedneſday.

Creſſing-

‡ According to ſome accounts, Douglas died in priſon in Hog's Tower in Berwick. Other accounts ſay, he was ſent from Berwick to Newcaſtle, and thence to York; where he was kept cloſe priſoner in the caſtle until his death in 1302, and was buried in a little chapel at the ſouth-end of the bridge, which hath gone wholly to decay. Godſc. Crawf. ap. Geſt. Vallæ. Ed. 1705.

* Forgetting his old age, ſays Hemingford, he returned to Berwick with ſo much haſte, that the horſe which he rode being put into the ſtable of the minor friars, never more taſted food.

† Edward had appointed Bryan Fitz-Allan guardian of Scotland, Aug. 14. (Prynne iii. 687.) but had at the ſame time required Warrenne by no means to leave that kingdom, until the ſtate of it was ſettled. Perhaps Warrenne, offended at being diſplaced, gave way to Creſſingham's propoſal of leading the army over Sterling-bridge, with the view of deſtroying it; and perhaps Creſſingham, knowing that Warrenne was removed from his office, was the more bold in preſſing an immediate attack of the rebel Scots, however dangerous; Creſſingham repreſenting it as neceſſary for ſaving

Creſſingham's extortions made him ſo odious to the Scots, that having found his dead body in the field of battle, they flayed it; and cutting the ſkin in pieces, diſtributed it amongſt them ‡. It is aſcribed to Creſſingham's immoderate paſſion for hoarding, that he had not executed the orders given by the king, to build a ſtone wall along the ſide of the new ditch which had been dug for the defence of Berwick. The Engliſh inhabitants being, through this neglect, incapable of reſiſting an aſſault, and at the ſame time left without a head, did all abandon the place, and retire into their own country; carrying along with them all their moveables. The Scots ſoon * took poſſeſſion of the town, wholly evacuated; but the caſtle was ſo ſtrong and ſo well defended, that they were not able to reduce it.

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Hem. 130, 131.

The panick excited by the approach of the Scots was inſtantly communicated to the Northumbrians, who fled with their families and goods to Newcaſtle and the ſouthern parts; but Wallace, either from deſign, or retarded by the oppoſition of Patrick earl of March †, who continued faithful to the king of England, and defended his province and caſtle of Dunbar, did not enter Northumberland until ſome weeks after the battle of Sterling ‡. By this delay the Northumbrians were encouraged to return to their habitations; of which the Scots receiving information, ſuddenly croſſed the march, and ſpreading themſelves through all the country, from the *Foreſt of Rothbury*, as a center or head quarters, they killed many, and collected great ſpoils. The prieſts and monks of all orders flying for their lives, with the reſt of the inhabitants,

Hem. 131; 136. Ford. l. 11. c. 29.

Oct. 18. St. Luke's day. Hemingf.

Hemingford.

the king's money. The circumſtance of Edward's ordering Warrenne not to leave Scotland till he had quaſhed the rebellion, appears from an original in Rym. ii. 794. Hemingford alſo relates, that the lord Henry de Percy had raiſed, in the counties of Carliſle and Lancaſter, an army of three hundred horſe, and eight thouſand choſen foot, with which he was advancing towards Sterling; but Creſſingham, thanking him for his diligence, ordered him to diſmiſs his men; ſaying, that the army they had was ſufficient, and that the king's treaſure ought not to be conſumed without neceſſity.

Hem. p. 127.

‡ Hugh Creſſingham was a clergyman, rector of Ruddeby, chief juſticiary in the York aſſizes, and prebendary of many churches; who, although he had the cure of many ſouls, yet never put on ſpiritual armour or the clerical garb; but inſtead thereof, the helmet and breaſtplate, wherein he was at laſt ſlain. Hem. i. 129.

* *Vacuam, et quaſi ſcopis mundatam.* Hem. 131.

The perſon ſent by Wallace to ſeize Berwick, was Henry Haliburton a Scottiſh knight, Lel. Coll. i. 541.

† The life and acts of Wallace by blind Harry, relate, in the eighth book, how Wallace *put Corſpatrick* (a name probably of contempt given to the earl of Dunbar in this poem) *out* of Scotland, though aſſiſted by Bec biſhop of Durham, and Robert Bruce. Earl Patrick's caſtle of Dunbar was given by Wallace to the keeping of Criſtal (*i. e.* Chriſtopher) of Seton, one of Wallace's heroes. Wallace is ſaid to have caſt down all Patrick's places, and particularly his twelve ſteeds, that were called (*a*) *Methamis*, which the poem calls *bercly Buildings bold, both in the Mers and alſo in Lowthiane, except Dunbar, ſtanding he leaved nane*, p. 182. The earl is ſaid to have provoked Wallace, by diſobeying his ſummons to attend a convention held at St. Johnſtown, and by calling him, in contempt, *the king of Kyle*, p. 171.

(*a*) Not in Douglas's Gloſſary. Is it from *Meith* or *Meit*, bound, mark?

‡ Fordun, and the other Scottiſh hiſtorians relate, that a principal reaſon of Wallace's invading England was, an extreme dearth and ſcarcity (*b*) that prevailed in Scotland, ariſing from inclemency of weather, joined to the calamities of war. He is alſo ſaid to have led into England, in this expedition, all the fighting men of Scotland between ſixteen and ſixty, obliging them to follow him under pain of death; which was inflicted on the obſtinate, by hanging them upon gallowſes, erected for this purpoſe in every barony and conſiderable town. Ford.

(*b*) Walſingham, deſcribing the year calls it *penuria frugum illaudabilis*, p. 74.

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bitants, there was an entire *ceſſation of public worſhip* through all the country between Newcaſtle and Carliſle. The Scots continued to burn and plunder, at their pleaſure, all over the country, till Martinmas; meeting with no oppoſition or diſturbance, except when in the neighbourhood of the caſtle of Alnwick and other fortreſſes; the garriſons of which (ſometimes) ſent forth parties to attack the rear of the marauders, or to pick up their ſtragglers. The Scottiſh forces being all united at Martinmas, during the eight days that followed, marched to the city of Carliſle, which refuſed a ſummons to ſurrender; and made ſuch preparations for a reſolute defence, as determined the invaders to turn away from it, and to employ their ſtrength in laying waſte all the neighbouring country (*a*). Being about to enter the county of Durham, they were driven back by a terrible ſtorm of froſt, ſnow, and hail, wherein many of them periſhed by hunger and cold; which was aſcribed to the ſeaſonable protection given by St. Cuthbert to his own people. They thence marched over to Newcaſtle; but the garriſon there ſhewing the ſame ſpirit as that of Carliſle, the invaders, after having ſpread a great panick to the ſouth of the Tyne, by burning the village of Ryton, made a diviſion of their ſpoils, and returned to their own country *.

(*a*) Viz. the foreſt of Ingelwood, Cumberland, and *Allendale* (in Fordun Allerdale) as far as Derwent at Kokermew, *i. e.* Cockermouth.

Hem. i. 136, 137.

This invaſion of the Scots was, in part, revenged by an inroad made into Annandale, in December, by the lord Robert Clifford with the forces of Carliſle and Cumberland. Several places were burnt and ſpoiled in this inroad, and a conſiderable number of Scots ſlain and taken priſoners: and the Engliſh, in a like expedition in the ſame quarter, about the beginning of Lent, took the town of Annan; and, after ſpoiling it, burnt it, together with the church.

The general revolt of the Scots, with their great ſucceſs at Sterling, and the imminent hazard of their invading England, had determined the Engliſh regency to call a parliament; for which writs were iſſued ſix days after the battle of Sterling. To this parliament the earls Conſtable and Marſhal, with their adherents, came; and commanded all its proceedings by the multitude of their followers, and by the inclination of the archbiſhop and others who acted for the king, to aſſiſt the malcontent barons in limiting the regal power. Theſe barons obtained from the prince regent, and his counſellors, the pardon of all

* Wallace, in the courſe of this expedition, was two days at Hexham, and gave a protection, dated Nov. 7, to the prior and convent for their perſons and poſſeſſions; in which letters of protection, Andrew Murray, who is named before Wallace, concurs; and the two are intitled the *commanders* (duces) *of the army of the kingdom of Scotland, in the name of John King of Scotland, by the conſent of the community of that kingdom.* Hem. p. 135. In a grant of the conſtabulary of the caſtle of Dundee, &c. made by Wallace to Alexander Skirmiſcher, the bearer of the royal ſtandard of Scotland, dated at Torphichen March 29. 1298, Wallace is entitled *Cuſtos Regni Scotiæ & ductor exercituum ejuſdem.* If he had been advanced to the dignity of *cuſtos*, when at Hexham, he would certainly have taken the title; and the name of Andrew Murray would not have been put before Wallace's. It is therefore probable that this dignity was conferred upon him after his return from his expedition into England, about the beginning of the year 1298. The old poem places the election of Wallace to be *warden* (perhaps it is meant only of the marches) after the battle of Biggar, and in a place called the Foreſt Kirk, p. 125. But there is no chronology, and probably but ſmall ſtrictures of truth in this poem.

And. Dipl.

paſt

paſt offences, a ratification of the great charter and charter of foreſts, with ſome additional articles; and particularly that moſt valuable one, That no talliage or aid ſhould thenceforth be impoſed on the kingdom, without the aſſent of the prelates, nobles, knights, burgeſſes, and other free men. On condition of the royal aſſent to theſe claims, both clergy and laity granted aids for the war with Scotland. Interregnum in Scotland. 1297.

Edward finding himſelf neceſſitated to ſwallow theſe hard terms, notified from Flanders his aſſent to them. At the ſame time he ordered a parliament to meet at York, on the 14th of January, and the nobles who had refuſed to accompany him into Flanders, to be ready at that time, with their forces, to march againſt the Scots, under the command of Warrenne, whom he appointed his lieutenant for that ſervice. The king alſo ſent letters to the great men of Scotland, requiring them, upon their fealty, to attend this parliament on the pain of being held as public enemies, *if they did not*. Nov. 5.

The parliament which met at York on the appointed day, and in which Warrenne repreſented the King, was attended by the conſtable and marſhal, with their friends and followers. The royal confirmation of the charters, together with the new articles, was, for the ſatisfaction of all, publickly read; and the biſhop of Carliſle fulminated excommunication againſt all violators of them. But the Scots neither coming nor ſending to this aſſembly, it was reſolved, that eight days thereafter there ſhould be a general muſter of all the Engliſh forces at Newcaſtle, and that they ſhould march immediately from that place againſt their enemies. A. D. 1298. Jan. 14. Hem. i. 144, 145. Triv. 311.

The number that appeared in the muſter at Newcaſtle, was 2000 excellent armed horſe, more than 1200 light horſe, and above 100,000 foot, including the Welſh; which numbers were conſiderably augmented, as the army was on its march towards the Scottiſh frontiers. The Scots, who had been long beſieging the caſtle of Roxburgh, which they were the more earneſt to recover from their deſire of reſtoring to his liberty the biſhop of Glaſgow, who was a priſoner detained there, upon hearing of the approach of ſo great an hoſt, ſoon raiſed the ſiege. The Engliſh army coming to Roxburgh, brought a moſt welcome relief to their countrymen in the town and caſtle; and paſſing over the Tweed to Kelſo, marched thence to Berwick, which they found totally deſerted by the Scots, as it had been by the Engliſh a few months before; and the garriſon of the caſtle, which the Scots had blocked up, or beſieged, received the ſame ſeaſonable relief with that of Roxburgh. Hem. i. 145. Triv. 311.

From Berwick it was the purpoſe of the general, and the other chiefs accompanying him, to march into Scotland againſt Wallace's army. But, about the beginning of Lent, a knight arrived with letters from the king to Warrenne and the other chiefs, informing them of a truce he had concluded for *two years* with the French king†; and becauſe he was reſolved to be with them

† This truce was concluded at Tournay, on the laſt day of January, and the two kings agreed by it to ſubmit their differences to the arbitration of the Pope, *as a private perſon*. Rym. tom. ii. p. 819.

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them in perſon, as ſoon as poſſible, requiring them to attempt nothing of moment againſt the Scots before his arrival; but if they could poſſeſs themſelves of the town of Berwick to tarry there till he came. On receiving theſe orders, they choſe fifteen hundred out of the whole number of their armed horſe, and about twenty thouſand of their beſt foot, that had come from Wales and the more remote parts of England, diſmiſſing all the reſt until the coming of the king; and with this ſmall army they continued in Berwick, waiting his arrival; and in the mean time maintained a diligent watch againſt their enemies.

Hem. i. 158, 159. Triv. 311. Walſ. Hiſt. p. 75.

About the middle of March, Edward arrived in England from Flanders. When he was about to embark at Hardenburgh (near Slyeys in Flanders) the Scots who had accompanied him in the expedition almoſt all deſerted him and went to Paris. Edward ſummoned a parliament to meet at York on Whitſunday; and there he again required, in the moſt peremptory terms, the attendance of the great men of Scotland. His nobles came thither to him from Berwick, but no Scotchmen appeared. The general rendezvous of his forces was at this parliament appointed to be at Roxburgh, on the day after Midſummer.

Hem. i. 159. June 25.

The army, on the appointed day, being aſſembled and muſtered at Roxburgh, conſiſted of three thouſand men at arms, four thouſand light horſe, and about eighty thouſand foot, who were almoſt all Welſh and Iriſh. Many alſo afterwards arrived from Gaſcony, whereof there were five hundred gens-d'armes, with excellent arms and horſes. Some of theſe were ſent to garriſon Berwick, and remained there till after the battle of Falkirk.

The Engliſh earls, Conſtable and Marſhal, gave a new ſpecimen at Roxburgh of their jealouſy of Edward, and of that undaunted reſolution with which they aſſerted their own rights and thoſe of their countrymen againſt ſo great a monarch. They refuſed to accompany him farther into Scotland, unleſs he would give them ſome new ſecurity of his obſerving the charters and additional articles; alleging ſome grounds of ſuſpicion, that he intended to evade his engagement, on the pretence of his having given it while in a foreign country. To remove this ſcruple, the king authorized the biſhop of Durham, together with the earls of Warrenne, Glouceſter, and Lincoln, to ſwear, on his ſoul, that upon his returning victorious, he would give full ſatisfaction in this matter.

The army then advanced into Scotland by moderate marches, waſting and deſtroying every thing on their way. Having come to a place called *Temple-hiſton* ‡, ſituated on the water of Cramond, they encamped there ſeveral days, expecting a ſupply of proviſions on board of ſhips that were to come about

Triv. 312.

from Berwick; but theſe ſhips being detained almoſt a month by contrary winds, the Engliſh army began to be greatly diſtreſſed by ſcarcity of victuals.

Rym. tom. ii. p. 804.

Two years. So ſay the hiſtorians; but the treaty itſelf ſhews that it was only for a year, or rather ſomewhat leſs, being till the morrow of the Epiphany next enſuing. Soon after the treaty at Montreuil, on the 27th of the following June, the Pope prolonged the truce or *ſufferentia* a year longer, *i. e.* till the Epiphany in 1300. Rym. ib. 849.

‡ Is not this Kirk Liſton?

The

The Scots were encouraged by this to draw together a mighty army, in the expectation that the Engliſh, exhauſted by famine, would prove an eaſy prey. But three days before the Scottiſh army drew near, the long-expected veſſels arrived; and Edward's forces were thereby put into a better condition for encountering their enemies. In order to this, they made a march of about twelve computed miles; and in a battle fought at Falkirk entirely defeated the Scots with great ſlaughter, the loſs on the part of the Engliſh being very inconſiderable. The commanders of the Scottiſh army in this battle were, Sir William Wallace guardian of the kingdom, John Comyn of Badenoch, and John Steward of Bute, brother to James Steward of Scotland. The Scottiſh writers relate, that theſe three commanders ſtrove about the honour of leading the van; which Comyn and Steward, men in birth, name, and eſtate, far ſuperior to Wallace, thought it a diſgrace to yield to him; while Wallace, on his part, with his uſual undaunted ſpirit, aſſerted the prerogative of his high office. During this diſpute the Engliſh advanced. Comyn with *his* part of the army fled; and Wallace, with *his*, retiring a little from the place of action, looked on, while Steward and almoſt all his followers were cut off *. And ſoon after the battle, Wallace, ſeeing it impoſſible to contend with the envy and malignity of the Scotch nobles, laid down his charge of guardian, and is never afterwards mentioned in any genuine record, as bearing chief command in the ſequel of the wars with the Engliſh.

Interregnum in Scotland. 1298.

Ford. 11. 32. 34.

Joh. Maj. l. 4. c. 13.

Edward, on the fourth day after the battle, came to Sterling, which the Scots in their flight had burnt. He ſtaid there fifteen days, in a convent of Dominican friars, to recover a hurt he had received by a ſtroke from his horſe, on the morning of the day of the battle of Falkirk. A party of his army, ſent northwards, waſted the country, and burnt Perth and St. Andrews. He cauſed the caſtle of Sterling to be repaired and victualled, and put a garriſon into it. After he had recovered his ſtrength, he went to Abercorn; where his ſhips lay that brought proviſions to the army from Berwick. Thence

* The account given by the Engliſh writers of this battle, is very different from that of the Scots. According to the former, the Scottiſh ſpearmen were drawn up in four cloſe bodies of a circular form, called *Schiltrones* (*a*), the ſpaces between theſe being filled with archers; and the horſe, who were but few, being placed in the rear. They had alſo a lake or marſh before them, which obliged the Engliſh to make a compaſs, in order to begin the attack. The Scottiſh horſe inſtantly fled; but the reſiſtance of the foot was conſiderable. They were at laſt broke by the Engliſh horſemen, aſſiſted by their archers on foot, and by others of their footmen, who threw round ſtones, whereof the field of action afforded great plenty. The rout was general, and according to Hemingford, there fell of the Scots fifty thouſand. He mentions the death of the brother of the Steward of Scotland; who after having drawn up the archers that came from the foreſt of Selkirk, accidentally fell from his horſe, and was ſlain among theſe archers; and round him were ſlain ſome men of extraordinary beauty and ſtature (*elegantis formæ & proceræ ſtaturæ*) called by the Scotch writers *Brandans*. Of the Engliſh only one perſon of note was killed, Bryan Jay maſter of the Templars. Trivet ſays, his fellow maſter of the order in Scotland, fighting along with Jay, was alſo killed. (Triv. 313.)

Hem. p. 164, 165.

(*a*) Shiltrum is a word uſed by Barbour in deſcribing the battle of Bannockburn:

For Scotſmen, that them hard aſſayed,
That then were in a ſhiltrum all. p. 268. l. 100.

Alſo in p. 257, three different times. It ſeems to denote one compacted body of fighting men.

Edward I. K. of England. 1298.

he marched weſtwards, probably with a view to complete the reduction of the ſouthern part of Scotland. Robert Brus, on the king's approach, deſerted and burnt his caſtle of Air; but an expected ſupply of proviſions not arriving on the weſtern coaſt in due time, the Engliſh army ſuffered great ſcarcity. Inſtead therefore of entering Galloway, as was propoſed, Edward marched to Carliſle through Annandale, and in paſſing had the caſtle of Lochmaben ſurrendered to him.

Sept. 15. At Carliſle the king held a parliament, in which he gave grants or promiſes of the forfeited eſtates and honours in Scotland to his Engliſh nobles. The earls Mareſchal and Conſtable, not yet cured of their diſcontents, nor chuſing to attend this parliament, obtained licenſe from the king to go home, on pretence of the great loſs and fatigue of their men and horſes, in the expedition into Scotland. The king went from Carliſle to Durham, intending to proceed thence to the ſouthern parts; but hearing that the Scots were again collecting their forces, he turned back to Tynmouth and continued there till near Chriſtmas; and having kept that feſtival at Cottingham near Beverly, he returned by ſhort ſtages to London.

By the truce concluded between Edward and Philip in the preceding January, their differences were referred to the arbitration of the Pope, as to a

June 27. private perſon, who in the end of June gave his award, appointing Edward to marry Margaret the ſiſter, and his ſon to marry Iſabel the daughter of the French king. Theſe marriages were conſidered as a ſolid foundation of a peace, and the matters in diſpute were to be adjuſted by a negociation carried on by

A. D. 1298. the delegates of each prince under the Pope's direction. An Engliſh parliament held in the beginning of Lent approved of the Pope's award; and in a treaty concluded at Montreuil about the middle of ſummer, all differences of moment between the kings were ſettled; thoſe that remained being ſtill referred to the Pope.

In conſequence of this laſt agreement at Montreuil, John Baliol was freed from the impriſonment wherein Edward had ſo long detained him. The king of France had demanded his enlargement as his ally, ſoon after the truce concluded at Tournay; but the king of England alleging he was not named in that treaty among the allies of France, refuſed to deliver him: and

Triv. 311. Walſ. Ypod. Neuſt. 490. this refuſal was, by the king of France, accounted a good reaſon on his part for detaining the friends or vaſſals of the king of England, who had fallen into his hands. But the Pope having been applied to on this head, required that Baliol ſhould be given up to him, and that his Nuncio the biſhop of Vicenza ſhould receive him at Witſand near Calais, to diſpoſe of him according to his maſter's orders. The delivery of Baliol was accordingly made to the Nuncio by De Burgh conſtable of Dover-caſtle, the procurator for Edward in this affair; who declared that the conditions of this delivery were,

Rym. vol. ii. p. 848. that the Pope ſhould only have power to decide concerning Baliol's perſon, and the lands he formerly held in England; but ſhould have no power to decide concerning the kingdom of Scotland, or its appurtenances, in favour of Baliol himſelf, his heirs, or any claiming by whatever connexion with him, on which terms the biſhop alſo declared he received him.

In

Interregnum in Scotland.

In the former year, while Edward was yet in the north, he had iſſued a ſummons to his military tenants to be at Carliſle on Whitſun-eve, to accompany him againſt his enemies of Scotland, and to put thoſe to whom he had given, or ſhould afterwards give lands in that kingdom, in poſſeſſion of theſe lands: but by a proclamation in the beginning of May, he adjourned the term of rendezvous till the day after Lammas, on account of the important negociation depending with France, which required his vicinity and attention. After this was concluded at Montreuil, he was ſtill detained by his marriage with Margaret of France, which was celebrated at Canterbury in September; and notwithſtanding the ſeaſon was ſo far advanced, the king, two months after, came to a parliament which he had aſſembled at York, and proceeded thence to Berwick, where he had appointed a rendezvous of his forces.

1299. Sept. 26. Rym. ii. 828, 829. May 7. Prynne, iii. 809. Sept. 10. Nov. 11.

The principal view of this expedition was to relieve the caſtle of Sterling *, which was blocked up by the Scots, and reduced to extremity by want of proviſions: but his nobles who came to Berwick, refuſed to accompany him into Scotland, on account of the ſeverity of the winter ſeaſon and impaſſable roads. They alſo gave as a reaſon for not gratifying the king in what he had ſo much at heart, his own failure in his engagements with regard to the national charters. Edward was therefore obliged to ſend orders to his garriſon, to ſurrender his caſtle on the condition of ſafety of life and limbs, and remained at Berwick till the Chriſtmas feſtival was over. While Edward was at Berwick, a letter was ſent to him from the guardians † of Scotland appointed by the eſtates of that kingdom, in name of John their king, and of the ſaid eſtates, acquainting him, that the king of France had lately intimated to them, that, at his requeſt, Edward would for a certain time ceaſe from all hoſtilities againſt the kingdom of Scotland, which was alſo confirmed to them by John duke of Bretagne, the king of France's ambaſſador in England; on condition that the Scots ſhould deſiſt from all hoſtile attacks on the kingdom of England. They therefore made an offer of ſuch ceſſation on their part, and to confirm it by letters under their common ſeal; provided that Edward ſhould, by his letters patent, returned by the bearer of the above meſſage, declare his approbation of the propoſed ſuſpenſion. What return was made by Edward to this letter of the Scots doth not appear, nor is the term of the propoſed truce mentioned in it; but Edward's return from Berwick without doing any thing againſt the Scots, may be as probably aſcribed to his conſenting to the propoſed truce, as to the cauſes mentioned by hiſtorians.

Triv. 316. Hem. i. 170. Rym. vol. ii. p. 859.

The liberties of England were ſtill gaining ground by the continuance of the war with Scotland, the barons availing themſelves of the king's need of their ſervice in that war, to obtain from him renewed confirmations and enforcements, and even extenſions of the great charter and charter of foreſts. In a parliament which was called by the king while at Berwick, and which

A. D. 1300.

* Matthew of Weſtminſter ſays, that the garriſon left by the king in this caſtle conſiſted of ſixty archers. He mentions ſeveral particulars of their bravery, and of the great ſtraits to which they were reduced, and ſays, that they ſurrendered the caſtle to John de Soulis. Weſtm. ad ann. p. 445.

† Theſe were, William Lamberton biſhop of St. Andrews, Robert de Brus earl of Carrick, and John Comyn the ſon. Their letter was dated from Forreſtaldel Torre, Torwood, Nov. 13.

Edward I. K. of England.

1300. Hem. i. 171. Walſ. Hiſt. 78.

met at London in Lent, conſiderable additions were made to former ſecurities given for the obſervation of theſe charters, and ſome new articles, for the farther protection of the ſubjects againſt oppreſſions of the king's miniſters or officers, were eſtabliſhed. It was not however till about the following Midſummer, that Edward ſet out on a new expedition into Scotland. He entered it this year, by the way of Carliſle and the weſtern march. He firſt re-took the caſtle of Lochmaben, and then marched into Galloway. A petition was there preſented to him by the nobles of Scotland, requeſting him to ſuffer John Baliol to reign in peace over them, and to allow the great men of Scotland to redeem their lands from thoſe to whom Edward had granted them. Their adding, that, if theſe things were refuſed, they would defend themſelves to the laſt extremity, had not the leaſt influence to procure a favourable anſwer. Soon after, at a place called Swin, a numerous hoſt of Scots appeared in the neighbourhood of Edward's army; but the king with his ſon and nobles advancing towards them, they ſoon broke, and fled to their hills and woods, ſuffering no conſiderable loſs, becauſe the Engliſh with their heavy armour were not able to purſue them *. Edward afterwards advanced to Kirkcudbright, having taken the caſtle of Caerlaverock, and ſome other places of ſtrength.

Auguſt 26. Rymer, ii. 844. Prynne, iii. 878.

His progreſs in this expedition was ſtopt by a mandate of the Pope, brought to him by Winchelſei archbiſhop of Canterbury, who, on this and many other occaſions, ſhewed himſelf a better ſubject to the Pope than to his king. After overcoming great difficulties in his journey, he came to Edward near the abbey of Duzques † in Galloway, with a letter from Boniface, requiring him to deſiſt from hoſtilities againſt Scotland, to recall his officers from that kingdom, and to ſet at liberty the biſhops and other clerks of Scotland whom he had detained in cuſtody; founding his title to make theſe requiſitions not only on his pontifical authority, but chiefly upon the right of direct ſovereignty that the ſee of Rome had, even in temporals, over the kingdom of Scotland ‡. By virtue of this new diſcovered right, he required Edward to ſubmit whatever claim he pretended to have to the whole or any part of the kingdom of Scotland, to the deciſion of the Roman ſee; and for that purpoſe to ſend his commiſſioners within ſix months to the preſence of the Pope, furniſhed with his evidences and arguments, that a definitive judgment might

* Mat. Weſtminſter ſays, that four hundred of them were killed; and Walſingham ſays, that on this occaſion, the Welch would have been of great ſervice in following the fugitives through marſhes and over hills.

† *Juxta novam abbathiam de Duzques.* Walſ. Duſquer. Weſt. The memorandum endorſed on the bull itſelf, according to Prynne, bears, that it was delivered by the archbiſhop to the king at Carlanoks, (certainly a wrong reading of Carlavock, i. e. Carlaverock) in Scotland. Prynne, 883.

‡ If the pleadings of the Scottiſh council by their agent at Rome, in the following year, are to be credited, the Scots had at Norham, in 1291, affirmed before Edward, that the Roman church was ſovereign of the Scottiſh kingdom, which allegation the king of England would not admit, but ſpoke contemptuouſly of it in the preſence of many; ſaying, If that Roman prieſt could ſay any thing for the liberty of Scotland as a dominion belonging to him, he ought to come to London and plead it there in his preſence. Ford. l. 11. c. 53, 58.

be-

be given according to right. The regency of Scotland had, in the former part of this year, ſent Baldred Biſſet archdeacon of Lothian, and William de Egleſham *, to Rome, to repreſent to the Pope their grievances from Edward, and to implore his fatherly aid. The Engliſh writers ſay, that the Scottiſh envoys employed the powerful engine of money, to give force to their ſupplications and arguments. But the calamities ſuffered of late by the Scots, muſt certainly have left them little to beſtow; and it is more probable, that they prevailed with the Pope and his conſiſtory by the ſuggeſtion that Scotland was a fief of the ſee of Rome. John Baliol, now in the Pope's power, would readily aſſent to this ridiculous claim; and Boniface himſelf, elated with his character of arbiter between the French and Engliſh monarchs, and ſtill retaining ſequeſtered in his hands the dominions of Edward in France, was tempted to aſſume an authority which none of his predeceſſors ever thought of. Edward's anſwer to Winchelſei was, that he could not give up the ancient poſſeſſions of his crown, nor determine in what concerned the ſtate of his kingdom, without firſt conſulting his parliament, a meeting of which he would ſoon hold for that purpoſe. But, either chuſing to avoid the inconvenience of incenſing the holy father, or embracing a pretext for putting an end to an expedition, which the ſcarcity of proviſions was like to render unſucceſsful, he left Scotland in a few days, and diſmiſſed his army. He alſo ſoon after releaſed the biſhop of Glaſgow from his impriſonment, having firſt received from him renewed engagements of allegiance and fealty, accompanied with circumſtances of the greateſt ſolemnity †. This was done at the abbey of Holmcoultram in the beginning of October; but, in the end of that month, the king was again in the Scottiſh march, for he then granted a truce to the Scots ‡ until the enſuing Whitſunday, on the requeſt of the French king,

Interregnum in Scotland.

1300.

Ford. l. 11. c. 56.

Mat. Weſtm. p. 439.

Oct. 7.

Rym. ii. 567.

Oct. 30.

Rym. ii. 868.

* Theſe meſſengers were ſent, according to Fordun, by John de Soulis, as the chief of the guardians, *(tanquam cuſtodum primus)* with the concurrence of his partners *(aſſiſtentibus comparibus)*, and the prelates and barons of the kingdom. Biſſet, in the end of his memorial, preſented to the Pope in the following ſummer, ſays, that king John, by his deputy, poſſeſſed the whole kingdom of Scotland, except three or four caſtles on the borders. This deputy was John Soulis, whom, according to Fordun, Baliol, after he was freed from his impriſonment in England, aſſociated to John Comyn. He adds, that Soulis, by want of neceſſary firmneſs and rigor in his adminiſtration, fell into contempt, and retired to his maſter in France.

They had before endeavoured, in vain, to avail themſelves of the reference that was made in 1208, by the contending monarchs, of their differences to the Pope, pretending that, as allies of Philip, their differences with Edward ſhould fall under the cogniſance of this arbiter. Prynne, iii. 888.

† His oath upon the body of our Lord, the croſs neyte, and black rood of Scotland, in preſence of the biſhop of Carliſle, the abbot of Holmcoltram, De Barres, and De Mouney, envoys from the French king, the friars Wynterbourn and Ingeram, confeſſors to the king and queen of England, and ſeveral others. Rym. ib.

‡ This ſufferance was notified by Edward, with orders to obſerve it, to Patrick de Dunbar earl of March, Simon Fraſer Warden of the foreſt of Selkirk, Robert de Manleye (Manley) lord of Dritton, John Bourdon ſheriff of Berwick upon Tweed. The date of this notification was the ſame with that of the truce. And on the Monday after All Saints, the French envoys being at York, notified the ſame truce to John de St. John knight, who had the charge of the march of Scotland towards Galloway under king Edward; and to Adam Gurdon knight, who had the charge of the parts of Scotland, on that ſide not ſubject to Edward, under the governors of the kingdom of Scotland.

who

Edward I. K. of England. 1300. Ford. l. 11. c. 37.

who declared that he made this requeſt, not as an ally of the Scots, but as a friend and an amicable compoſer of ſtrife. This meſſage of Philip was brought by De Mouney a clerk and De Barres a knight, who ſeem to have conſumed a good deal of time in the negociating of this agreement between Edward and the Scots; the abovementioned envoys being in the liſt of witneſſes to the biſhop of Glaſgow's oath of fealty, which was given more than three weeks before the date of the truce.

Rym. ii. 873. A. D. 1301.

The parliament called by Edward to conſult concerning the requiſition and claim of the Pope, met at Lincoln on the twentieth of the following January. To give the greater weight to the judgment of this parliament, the king cauſed the moſt eminent lawyers of his clergy, and of both univerſities, to be ſent up to it. Religious houſes and ſocieties were alſo required, to ſearch their archives, and ſend up their chronicles, for giving light to the preſent queſtion.

Prynne, iii 885. Rymer, ii. 873.

This aſſembly, after mature deliberation, did, agreeably to Edward's deſire, write, in their own names, a letter to Boniface, affirming in the ſtrongeſt manner, the undoubted right of ſovereignty which the crown and kingdom of England had over Scotland; and to ſcreen their king from the imputation of contempt of the holy father, they declared, that they, as the guardians of the juſt rights of the crown and kingdom of England, and as bound by their oaths to maintain them inviolate, would never conſent or permit that their king ſhould anſwer judicially before the Pope concerning thoſe rights. The number of barons in the addreſs of this letter is an hundred and four, who all put their ſeals to it, for themſelves and the whole community of England.

May 7. Rym. ii. 883, 888.

Edward at this parliament did farther gratify his people, by ſettling on a permanent and equitable footing, the extent and boundaries of the royal foreſts. About three months after, he ſent two knights to the court of Rome, with a long letter, wherein the grounds of his claim to the ſovereignty over Scotland were ſet forth in an hiſtorical detail, conſiſting of nearly the ſame particulars, but more conciſely narrated than thoſe that were laid before the Scottiſh nobles ten years before in the convention at Norham; and the events ſince that time were added, which made Edward, as he pretended, the undoubted ſovereign of Scotland, not only by property but poſſeſſion. In the beginning of this letter Edward declares, that he did not mean by it to acknowledge the Pope as a judge in the cauſe, but merely to inform his conſcience. This epiſtle, with Edward's other evidences, were by Boniface's order, put immediately into

Ford. l. 11. c. 46, 57.

the hands of the Scottiſh procurators, who having tranſmitted copies of them to the nobles and council of Scotland, ſoon received in return large inſtructions, containing the evidences of the independency of Scotland, anſwers to Edward's allegations, and proofs on the other ſide. To all which materials, Biſſet gave a more conciſe and methodical form, accompanied with ſome

Ford. ib. c. 56, 63.

reaſonings in a memorial he preſented to the Pope *.

With regard to the king of England's letter to the Pope, the obſervations made above, on the evidences of his ſovereignty over Scotland, that were laid before the convention at Norham, are alſo applicable to this letter, in what it

* This memorial in Fordun, is entitled, *Proceſſus Baldredi Biſſet, contra Figmenta Regis Angliæ.*

contains

contains concerning things which preceded that convention. As to the ſubſequent tranſactions, Edward in his letter gives a brief recital of them, placing them in that light which beſt ſerved to vindicate his own proceedings. Several particulars from this account, which either illuſtrate certain events, or make ſome addition to what is found in other memorials of the times, are inſerted above in their proper places; as are alſo ſome things from the inſtructions ſent by the Scots to their procurator Biſſet, and from his memorial. Theſe inſtructions and memorial, give us a view of the ideas which the Scots at that time entertained of the antiquities of their country and long line of their kings. By their fables and dark traditions concerning theſe things, they endeavoured to overthrow the fables and traditions of the other ſide. When they came down to the times of hiſtory, their accounts, though containing ſome things worthy of attention *, are in the main very defective and erroneous; indicating a great penury of genuine hiſtory or memoirs of their nation. They complain, that Edward, together with the famed ancient chair of their kings, had carried away the monuments contained in their publick archives, of the liberty and independency of their kingdom, ſo that they were deprived of the beſt means of readily proving their rights; and this his violent ſubtraction of the evidences againſt him, they argued to be a ſtrong preſumption of the injuſtice of his cauſe †. Some of the writings that Edward carried away, have been found in the archives of England; and theſe writings, together with other original papers in thoſe archives, and the relations of Engliſh hiſtorians, of many of which, accounts have been given above in their proper places, are the beſt, or rather only authentic evidences relating to this queſtion.

Interregnum in Scotland. 1301.

Innes, Crit. Eſſay, 613, 705, 710.

Ford. l. 2. c. 207.

Some endeavours on the part of the king of France to ſettle with Edward the peace of Scotland in the ſpring and beginning of ſummer having failed, and the truce granted at Dumfries expiring at midſummer, Edward firſt ſent a body of forces into Scotland, under his ſon the prince of Wales, and ſoon after led thither another body himſelf. His ſucceſſes in this campaign are not particularly recorded; but to ſecure what he had acquired, and more effectually to diſtreſs his enemies, he reſolved to paſs the winter in Scotland; where through the rigour of the ſeaſon and want of forage, a conſiderable number of the horſes of his army were loſt.

Rym. ii. 881, 883.

Carte, 284.

The negociations between France and England for the full re-eſtabliſhment of peace being ſtill continued, and Philip the French king ſtill acknowledging John Baliol as king of Scotland, and Baliol himſelf and his ſubjects of Scotland, as the allies of France; a truce was concluded at Aſniers, and ratified by the king of France on Chriſtmas Day, by which a ceſſation from hoſtilities

Rym. ii. 893.

* Among theſe it is worthy notice, and belongs to our ſubject, that it is aſſerted to be notorious and doubtful to none, that from time immemorial, criminals flying from England into Scotland, or contrariwiſe, found in either caſe a place of refuge moſt perfectly ſecure, and equally ſo on each ſide. This is affirmed to refute an aſſertion in a letter of Pope Gregory IX. to Alexander II. of Scotland, a copy of which Edward had, along with his own letter, ſent to the Pope. See above in ann. 1234, 1249.

† Yet they ſay, they believe, that the tenor of theſe inſtruments, as well as the ſubtraction of them made by Edward, could ſtill be proved by living witneſſes. Ford. l. 2. p. 207.

Edward I. K. of England. 1301.

was agreed upon, until the firſt of November in the following year. The lands, heritages, and all immoveable things, which the king of England had ſeized in Scotland, ſince the time that the king of France ſent certain envoys *, who without ſucceſs had ſought from Edward a ceſſation of hoſtilities againſt the Scots, were, during the truce now concluded, to be ſequeſtered into the hands of the king of France. Poſſeſſion of them was to be given to that king fifteen days after Candlemas. The duke of Burgundy †, or earl of Albemarle, by themſelves or ſuch deputies under them, as were not notoriouſly ſuſpicious, were to hold the caſtles, fortreſſes, courts of juſtice, and government of the ſaid lands, in the king of France's name; and if peace was not re-eſtabliſhed at the time of the expiration of the truce, every thing was to be reſtored to the Engliſh king. This king had given his envoys ‡, who negociated this treaty, powers to grant in his name, under a certain form, a ſufferance to the Scottiſh nation: and although he expreſſed his diſſatisfaction with theſe envoys for admitting Baliol to be called in the treaty the king of Scotland, or the Scots to be called the allies of France, yet the treaty being brought to him at Linlithgow where he had kept his Chriſtmas, he ratified it there §, and ſoon after ſet out for England. Edward in this treaty excepted out of the number of his allies the earl of Flanders, who had been reckoned among them in all his preceding truces with France, which ſeems to have paved the way for the king of France deſerting in the ſame manner Baliol and the Scots, in the treaties of truce and peace which he afterwards concluded with England.

A. D. 1302.

The following year, although it gave ſome reſpite to the Scots from the ravages of open war, was productive of events very unfavourable to them.

July 11.

The army of the French king under Robert count d'Artois, received a great overthrow at Courtray in Flanders; and an expedition which the French king ſoon afterwards made into that country, was unproſperous. Hence it became neceſſary for him to terminate, if poſſible, his differences with Edward, who on his

Nov. 25.

part, improving the advantage given him by Philip's diſtreſs, did, in a new truce ** which he made with him, ſoon after the expiration of the former, prevail

Rym. ib. 913.

to have the Scots left out. Their patron Pope Boniface alſo forſook them; for that proud prelate having entered into a bitter ſtrife with Philip, which not long after terminated in his own deſtruction, found it expedient to court the

* L'Abbe de Compeign, Mons, Aubert de Hangeſt, et Meſtre, F. de Flavigni.

† The duke of Burgundy did not accept of this charge, as appears from his letter of excuſe extant in the French archives. Carte, p. 284. From authorities in the ſame collections, it appears, that John de Soulis governor of Scotland under Baliol, with the prelates, nobility, and communities of that kingdom, accepted of this truce on February 23, and according to P. Daniel and Du Tillet, it was alſo ratified by Baliol himſelf.

‡ Their commiſſion is dated at Donypas the 14th of October. Rym. ii. 891, 892.

Prynne, iii. 874.

§ It is ſaid in the title of this truce, as publiſhed by Prynne, that the Engliſh envoys were reproved not only by the king himſelf, his prelates, and nobles, but alſo by the community of the kingdom, for having allowed the king and people of Scotland to be comprehended in the truce, on the part of the king of France, by virtue of the confederacy formerly concluded between the foreſaid kings of France and Scotland.

** Two days before this truce, November 23, John Baliol gave full powers to Philip, to order all his affairs with the king of England. MSS. Brienne, N. 34. quoted by Carte, ii. 286.

friendſhip

friendſhip of Edward, by abandoning a people which he had taken ſuch ſtrong ſteps to protect againſt that monarch. In the end of this ſummer, he wrote letters to the biſhop of Glaſgow * as the chief offender, and to all the other biſhops of Scotland, charging them with being the incendiaries of the war with England, and requiring them, in virtue of the obedience they owed to the head of the church, to return to the ways of peace and concord.

Interregnum in Scotland.

1302. Aug 13. Rym. ib. 904, 905.

After the expiration of the truce concluded in the former winter, Edward ſent a new and ſtrong body of forces into Scotland under John de Segrave, whom he appointed guardian of that kingdom and governor of Berwick. Segrave, about the beginning of Lent, marched with a ſtrong body of horſe to the neighbourhood of Edinburgh, and having no apprehenſion of any enemy near him, had, for the ſake of an eaſier ſupply of forage and victuals, ſeparated his forces into three diviſions, which were ſome miles diſtant from each other. John Comyn regent of Scotland, and Simon Fraſer a potent baron of Tweddale, having collected a ſmall army in the neighbourhood of Biggar, marched thence in one night to Roſlin; and early in the ſucceeding morning, made a ſudden attack † upon the moſt advanced diviſion of Segrave's army, where Segrave himſelf was preſent. This part of the Engliſh army, after a valiant reſiſtance, was put to the rout, Segrave himſelf ſore wounded and taken priſoner, ſeveral of his knights were alſo made priſoners, and Ralph Comfrey ‡ paymaſter of the Engliſh forces ſlain. According to the Engliſh writers, Robert Neville, who commanded another party of the Engliſh at no great diſtance, came up with the Scots, repulſed them, and reſcued Segrave and other priſoners; but the Scotch writers relate, that their victorious countrymen engaged ſucceſſively two bodies of Engliſh no leſs numerous than the firſt, and by continued efforts of irreſiſtible proweſs, overthrew them both, although their own number was leſs than a third of the army of Engliſh which they had deſtroyed. It is probable, that the Scots improved the circumſtance of the Engliſh loſing two ſuch conſiderable perſons as Segrave and Comfrey, to magnify the advantage they gained in this action: nor is it unlikely, that in the accounts of the Engliſh, the loſs they ſuſtained was very much diminiſhed, as well as enhanced by thoſe of the Scots. One thing is certain, that in the remainder of this war, there is no account of any other action of moment *in the field* between the Scots and their conquerors.

Hem. 197. Triv. 336. Walſ. Hiſt. 86. A. D. 1303.

Walſ.

A ſhort continuation of the truce between England and France, terminated in a treaty of perpetual peace and alliance §, by which the Scots were cut off

May 20, at Paris. Rym. ii. 923.

* The ſubmiſſion of this biſhop and his oath of fealty was not renewed to Edward, or at leaſt his temporalities not reſtored until March 5, 1304, when he gives his recogniſance of holding them of the king, at Cambuſkenneth. Rym. ii. 918.

† This conflict, according to the Scotch writers, was on St. Matthias's-Day; according to the Engliſh, on the firſt Sunday of Lent; and the latter ſay, that Robert de Neville and his party, having been attending maſs that morning before they engaged with the Scots, had their piety rewarded by loſing no lives, nor receiving any dangerous wounds in the fight.

‡ The Scotch writers ſay, that Ralph de Comfrey commanded the Engliſh army. Hemingford calls him Ralph le Cofrer, adding *qui ex parte regis ſtipendia miniſtrabat.* (Is this the explication of his name le Cofrer?)

§ The earls of Savoy and Lincoln, as proxies for prince Edward, did, on the ſame day, eſpouſe Iſabel of France.

Edward I. K. of England. 1303.

from all farther aid from France. Edward, well knowing this approaching iſſue of his negociations with Philip, made great preparations of forces and money for a new expedition into Scotland. Several of the chief men † of that nation were at the court of France when this treaty was concluded: of this event they gave intelligence to Comyn the regent, and their friends at home, and encouraged them ſtill to reſiſt Edward with their wonted courage; giving them aſſurances of the earneſt interpoſition of Philip, by his ambaſſadors, to be inſtantly ſent to Edward on their behalf; which interpoſition they pretended was more likely to prevail, now that a ſtrict friendſhip was reſtored between the kings. But theſe were only words; for Edward, having appointed his forces to rendezvous at Berwick at Whitſunday, did, before the middle of May, enter Scotland in perſon: and he himſelf directing the progreſs and operations of a mighty army, collected from all parts of his dominions, and attended by a fleet on the coaſt, penetrated into the remoteſt parts of Scotland ‡; ſeizing the towns and caſtles, and compelling every where communities and particular perſons to ſubmit to his power, and to recogniſe his authority. Nor is there any mention made of any conſiderable reſiſtance he met with in this ſummer's campaign, except from the caſtle of Brechin; which Thomas Maule, its lord, defended with great bravery twenty days, until he was ſlain by a ſtone thrown from a battering engine.

Mat. Weſtm.

A. D. 1304. Feb. 9th.

In order to ſecure his acquiſitions, and perfect his conqueſt, he ſpent the winter at Dunfermling. He received there in February the ſubmiſſion of John Comyn of Badenoch the regent, and of eleven knights * in his company, for them-

† The perſons meant were, William and M. Biſhops of St. Andrews and Dunkeld, John earl of Buchan, James Stuart of Scotland, John de Soulis, Ingelram de Umfranville, and William de Baliol. Mentioning the late action at Roſlin, they ſay, *Si ſciretis quantus honor vobis crevit per diverſa mundi climata de conflictu ultimo habito cum Anglicis, multum gauderetis.* They beg their countrymen not to wonder that ſome of them did not at preſent come over to Scotland; but they ſay, That though they would have all cheerfully come, the king of France would not allow them, until they could carry with them an account of the iſſue of his negociation with Edward, on the behalf of themſelves and countrymen; which being received, whatever it ſhould be, they would come over to them, notwithſtanding any danger to which they might be expoſed by ſea or land. Philip, no doubt, detained them to make Edward's work in Scotland more eaſy. The ſix firſt-mentioned of them appear, by the agreement which Edward made with John Comyn of Badenoch, &c. in the following February, to have been ſtill out of Scotland. Ryl. p. 370. No mention is made of Baliol in this letter.

‡ Hemingford, Walſingham, and Trivet ſay, That Edward ſet out from Roxburgh, and advanced as far as Caithneſs. Fordun ſays, That having marched through both plain and hilly countries, he came to Lochindorb; and making ſome ſtay there, received the northern parts to his peace, and ſettled governors in the caſtles and walled towns *(villis firmatis)*. From dates in Rymer, he appears to have remained ſome weeks at Kinloſs in Murray, where there was a monaſtery of Ciſtertians founded by king David in 1150. Its firſt abbot Aiceline and his monks were carried from Melroſe. Spottiſwood's Rel. Houſes, p. 256.

Hugh Audely coming into Scotland with king Edward, attended by ſixty men at arms, took up his quarters at the abbey of Melroſe. John Comyn the guardian made an attack upon him in the night, forced the gates of the abbey, and killed ſeveral of his men. Sir Thomas Gray fled over the bridge, and defended a houſe until he ſaw it in flames over his head. He then came out and was taken priſoner. Lel. Coll. p. 541.

* Theſe knights who ſubmitted along with John Comyn were, Edward Comyn of Kilbride, John de Graham, John de Vaux, Godfrey de Roos, John de Maxwell the elder, Peter de Prendregueſt, Walter

themſelves and all their adherents, who were willing to come to the king's peace. Comyn having probably found, in his own Highland country, retreats that were inacceſſible to the Engliſh, waited till almoſt all the reſt of his countrymen had made their ſubmiſſion to the conqueror; yielding, at laſt, to neceſſity, he accepted of the terms which Edward by his delegates, offered to him, his companions and abettors. Theſe, like thoſe who had ſubmitted before them, were to be ſafe in their lives, limbs, and heritages, and alſo free from impriſonment; but to be ſubject to ſuch fines for their treſpaſſes committed againſt Edward, as he and his parliament ſhould ordain. The ſtrongholds of the kingdom were to remain in the hands which then held them, until a farther ſettlement by the king in parliament. Priſoners and hoſtages were to be on both ſides releaſed, and what remained due of ranſoms forgiven. A few were to undergo exile for ſhort periods. Sir William Wallace had no other condition than to ſubmit, if he pleaſed, to the king's mercy.

Interregnum in Scotland.

1304.

Ryl. Plac. Parl. p. 369, 370. Triv. p. 337. Cod. Mert.

Edward, as he marched northward, in the preceding ſummer, had left behind him unreduced the caſtle of Sterling †, being unwilling to conſume, in the ſiege of that fortreſs, the ſeaſon fitteſt for exploring and ſubduing the wild and mountainous tracts beyond it. When every thing elſe had ſubmitted, this garriſon continued ſtill obſtinate, contemptuouſly rejecting repeated charges and admonitions from the king to yield, and pillaging and deſtroying his ſubjects, whenever they had an opportunity. Wherefore, in a convention ‡, which the king held in the time of Lent, at St. Andrews, where he reſided during that holy ſeaſon, and in which convention the great men, both of England and Scotland, conſulted in common about the ſettlement of the affairs of Scotland; the garriſon of the caſtle of Sterling, after a ſolemn trial, were declared outlaws, and a ſentence of outlawry pronounced againſt them. But this ſentence not availing to bring that important fortreſs into the king's poſſeſſion, he laid cloſe ſiege to it after Eaſter *, with the forces both of England and Scotland. The beſieged, being well furniſhed with proviſions and engines of

Rym. ii. 950. Hem. 206. Trivet, 338. M. W. 448, 449. 450.

Walter de Berkeley de Kerdau, Hugh de Erth, William de Erth, James de Roos, and Walter de Rokeſan. Thoſe who on the part of Edward treated with them were, Richard de Burgh earl of Ulſter, Eymar de Valence lord of Montignai, Henry de Percy, and John de Benſtede clerk. The agreement is dated at Strathorde.

† Hemingford ſays, That the reaſon of the king's not taking it laſt ſummer, was, that his men might be hindered from deſerting, by the dread of falling into the hands of the garriſon in their way towards England.

‡ Fordun calls this convention a parliament; and ſays, That Edward paſſed the Lent, *quadrageſimavit*, at St. Andrews, from which city there are ſeveral papers, dated in Prynne, in the months of March and April. The Merton college MS. of Trivet, ſays, That the king aſſembled this parliament at St. Andrews, about Mid-lent, to which all who were ſummoned came, excepting Simon Fraſer and William Waleys, and thoſe who held the caſtle of Sterling. This aſſembly being aſked by the king, their judgment concerning thoſe in the caſtle (and probably alſo concerning Fraſer and Waleys), they all agreed to declare them outlaws. Edward alſo aſked the Scottiſh grandees, What each of them would pay for his ranſom? and being gratified, by all of them ſubmitting themſelves ſimply to his will, he would not demand any thing from them at that time.

Ford. l. xi. c. 3.

* The Merton college MS. of Trivet, mentions the day on which the ſiege began, viz. April 22. *In die Sti. Georgii præcedente.* And Trivet relates, that the king provided great numbers of engines, as well as vaſt ſtore of wine and victuals, for carrying on this work, *fuit tanta multitudo ingeniorum, tanta copia vini et victualium ut ſinguli mirarentur.* Triv. 338.

Edward I. K. of England. 1304.

defence, made a moſt deſperate reſiſtance for about three months, until all their defences were beaten down by the vaſt ſtones and balls of lead * thrown from the king's engines † raiſed higher than their walls; and the ditches being alſo filled up with earth and ſtones, and every thing ready for a laſt aſſault, they then offered to yield themſelves to the king's mercy, employing ſome of his nobles to intercede for them. But Edward was deaf to theſe interceſſions for ſeveral days; during which the garriſon ceaſed from all manner of defence. At laſt he granted leave to William Olyfard, with twenty-five of the chief men that were with him, two of whom were monks, to come into his preſence; where, in the poſture and guiſe of miſerable ſuppliants, they made an unconditioned ſurrender of their perſons and poſſeſſions to his will, imploring with ſighs and groans ſome ſhare of his unmerited grace. Theſe circumſtances moving the king's compaſſion, he ſpared their lives; and commanded the lieutenant-marſhal of his army to detain them priſoners without fetters. Olyfard was ſent to the Tower of London; and the reſt, being more than one hundred and forty in number, into priſons in different places of England ‡.

July 24th.

Rym. ii. 944. Hem. i. 207.

To complete the humiliation of the Scots, and wholly to blaſt to them every hope of relief, it was agreed this year, between Edward and Philip, That the former ſhould expel from his dominions the Flandrians and all other enemies of the French king; on condition that Philip ſhould do the ſame, with regard to Edward's enemies, the Scots, who remained, and were protected in his kingdom. This agreement was, on both ſides, to be executed before Midſummer §. Edward's work being thus completed in Scotland, he left it under the guardianſhip of John de Segrave ‖, and entered England about the end of Auguſt, accompanied by ſeveral of the Scottiſh earls and barons. Af-

Triv. 339. Matt. Weſtm. p. 450.

* *Balls of lead.* Fordun ſays, He cauſed the whole lead of the monaſtery of St. Andrews to be taken off, and carried to Sterling, for *conſtructing machines, ad machinas conſtruendas*, l. 12. c. iv. Hemingford ſays, That Edward had, at this ſiege, ſeveral wooden machines that threw ſtones of one hundred, two hundred, or three hundred weight, p. 205.

† Matthew Weſtminſter mentions two machines employed in this ſiege; one called *a Ram*, and another *a Wolf*. The Ram, being clumſy and ill contrived, was of little uſe. The *Wolf*, though leſs expenſive, did more harm to the beſieged, p. 449.

‡ The relation of this ſiege and capitulation, or ſurrender, is taken chiefly from the notorial inſtrument of it, publiſhed by Rymer, with which Hemingford's and Trivet's account agrees beſt. All the Engliſh hiſtorians mention the garriſons aſking at firſt their lives and limbs; but of this requeſt no mention is made in the inſtrument. Fordun mentions a written capitulation, and charges Edward with breach of faith, in ſending Olyfard priſoner to England; but this accuſation is groundleſs. Matt. Weſtminſter, a cotemporary writer, gives a more circumſtantial account of this famous ſiege than the other annaliſts, ſtriving to blazon, by his pomp of deſcription, Edward's valour and good fortune.

Of the twenty-five who came out of the caſtle to ſupplicate Edward's mercy, there were ſeveral that bore the names of noted Scotch families: William and Hugh de Ramſey, Ralph de Haliburton, Patrick de Polleworth, a Vipont, and Napier, and a Wiſhart, and three Olivers, beſides the governor. Trivet calls William Olyfard *militem admodum ſtrenuum et cordatum*.

§ Hemingford ſays, That the baniſhment of the Flandrians was believed only to be a pretence, *ſub colore ut creditur*; for they ſoon returned. Hem.

‖ Trivet, whom Walſingham copies, ſays, That Segrave was left, by the king, *guardian* of Scotland; but from the inſtrument of the ſettlement of Scotland, in September 1305, he appears to have been, in the former part of that year, the king's lieutenant only in Loeneys, *i. e.* in Lothian, and the adjacent counties towards England. Ryl. p. 503.

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ter viſiting ſeveral places in the northern counties, he came to York; and removed thence the courts of his Bench, Exchequer, and Chancery, to their accuſtomed place at Weſtminſter, after they had continued more than ſeven years at York, for the ſake of being nearer the king, in his Scottiſh wars.

Interregnum in Scotland.

1304. From feaſt of Trinity 1297, to Chriſtmas 1304. Hem. A. D. 1305.

We are not informed of any farther proceedings of Edward reſpecting Scotland, until the parliament, which he held at Weſtminſter in the Lent of the following year. The chief buſineſs of this parliament was to concert proper meaſures for repreſſing domeſtic diſorders and crimes, which had grown to a great height in England, during Edward's wars with France and Scotland; but ſome of the great men of Scotland, who were preſent in this parliament *, were ordered by the king to give their opinion about a proper repreſentation of their countrymen, in a parliament which the king propoſed ſoon to hold at London, for making a *full ſettlement of the government and police of Scotland* †. Agreeably to their advice, the *community* ‡ of Scotland, by Edward's command, aſſembled *at Perth*, on the day after the feaſt of Aſcenſion, and made choice of ten repreſentatives; two for each rank of freemen in the kingdom. Theſe repreſentatives were, the biſhops of St. Andrews and Dunkeld, the abbots of Cowper and Melros, the earls of March and Buchan, John de Moubrai §, and Robert de Keth for the barons, and Adam de Gurdon, and John de Inchmartin for the *communities of burghs* on either ſide of the Scottiſh ſea. The expences of theſe repreſentatives were appointed by the king to be defrayed by the public.

Ryl. Plac. Parl. 243.

Friday, March 26. Ryl. p. 279.

The time of holding the parliament, to which theſe repreſentatives were to repair, was firſt appointed to be the middle of July. It was prorogued from hence to the middle of Auguſt, and hence again to the middle of September. In this interval, Sir William Wallace, the deadly foe of Edward and the Engliſh, who continued in arms, aſſerting his freedom, while all beſides crouched under the yoke, was, by the baſeneſs of Sir John Menteith, governour of the caſtle of Dunbarton, who had been his intimate friend, ſeized near Glaſgow, and delivered into the hands of his enemies. Being carried priſoner to London, he was tried in Weſtminſter-Hall, and condemned as a traitor ‖. The ſentence was executed againſt him in all its rigour, his head was erected on a poll on London-Bridge, and his four quarters ſent to be hung

Ford. l. 12. c. 8. Triv. 340.

Auguſt 23.

* Theſe were, the biſhop of Glaſgow, the earl of Carrick, and John de Moubrai.

† *Super ſtatu regni et hominum Scotiæ.* Rec. Ryl.

‡ It is called *communitas terræ Scotiæ* in the record.

§ John de Moubrai, returning from the Engliſh parliament in Lent, had leave from the king to carry with him Ralph de Haliburton, one of the defenders of the caſtle of Sterling, on giving ſecurity to bring back the ſaid Ralph to the July parliament. It is ſaid in the record, That he was carried into Scotland, *in auxilium aliorum hominum terræ illius qui circa captionem Willielmi Waleys vacabunt.* By his diligence in this ſervice, he was probably to recommend himſelf to farther favour from the king. John de Moubrai again obtained leave to carry Haliburton into Scotland from the parliament in September, on giving ſecurity to bring him back to the parliament after Eaſter; that it might be ſeen, in the interval, how he would behave, *quomodo idem Radulphus ſe velit gerere et habere.* Ryl. Pl. Parl. p. 279.

‖ He rejected the charge of being a *traitor* to the king of England, but confeſſed the other things of which he was accuſed. Stow, 209. He is ſaid to have left iſſue one daughter, married to Sir William Baillie of Hoprig, from whom is deſcended Baillie of Lamington.

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Edward I. K. of England. 1305.

up to publick view in four great towns of Scotland. Wallace's pertinacious reſiſtance, after his country was entirely ſubdued, and the cruelties by which it is probable he had too often gratified his inexpiable hatred of Engliſhmen, were the foundation of Edward's ſevere proceedings againſt him; but whatever may be ſaid for the equity of theſe proceedings, they ſeem to have been very repugnant to ſound policy. This ſhould have dictated to Edward every meaſure that tended to conciliate to him the love of a people whom he had found it ſo hard to ſubdue or govern by force; but he could not have deviſed any thing that tended ſo much to alienate their hearts, or to kindle in their breaſts a reſentment not to be extinguiſhed, as the cruelty and indignity with which he treated the man who was their chief hero and idol.

Ryl Pl. Parl. p. 503.

In the parliament which met at Weſtminſter in September, nine of the Scottiſh delegates were preſent. *Earl Patrick* * did not attend, for what reaſon is not known. By the commandment of the king, *Sir John Monteith* † was ſubſtituted in his place; and with theſe, ten Scotchmen and twenty-one Engliſhmen were appointed ‡, to treat of the affairs of Scotland. All of them were ſworn in the moſt ſolemn manner to give their beſt advice about theſe affairs; the king declaring that their advice ſhould be the rule of his conduct. They gave their advice concerning the perſons to be employed by the king in the offices of magiſtracy; from the king's lieutenant § *John de Bretagne*, down to the ſheriffs of the ſeveral counties; and alſo concerning the governors of caſtles. The moſt remarkable new eſtabliſhment in the civil government, was that of four pairs of juſtices; a pair for each quarter of the kingdom,

* So called.

† *Monſieur Johan de Meneteth.* Would not thi- be moſt offenſive to the Scots in general, and to the earls in particular?

‡ Monſ. H. de Percy was one of this number, alſo ſire Johan de Sandale chamberlain of Scotland, the biſhops of Worceſter and Cheſter, earls of Lincoln and Hereford, abbots of Weſtminſter and Waverley. John de Haſtings was one of them, but was abſent on account of ſickneſs. Some of the Engliſh judges were alſo of the number.

§ John de Bretagne was at this time appointed guardian of the kingdom. Sire William de Bevercotes (*a*) was to continue chancellor, and ſire Johan de Sandale chamberlain, whoſe comptroller was to be ſir Robert Heron. But as John de Bretagne could not come into Scotland ſooner than the firſt Sunday in Lent; the *interim* guardianſhip of the kingdom was intruſted to the biſhop of St. Andrews, de Sandale the chamberlain, Robert de Keth, and John de Kingſton (Rym. ii. 290). The two juſtices of Loeneys, were John de Liſle and Adam de Gurdon; of Galloway, Roger de Kirkpatrick and Walter de Burghdon; of the country beyond the Scottiſh ſea, i. e. between the river Forth and the mountains, Robert de Keth and William Inge; and of the country beyond the mountains, Reynaud de Chien, and John de Vaux of the county of Northumberland.

(*a*) Bevercotes and Sandale were both clergymen. Carte.

The counties are in number twenty-three; thoſe of the three Lothians being accounted as one, and having only one ſheriff. The chamberlain of the kingdom, who had the keeping of the caſtle of Berwick, was to put under him one as ſheriff of Berwick, for whom he would be anſwerable. The conſtables of the caſtles of Stirling and Dumbarton, were at the ſame time ſheriffs of the counties ſo named. Three that were ſheriffs by fee, were continued. One of theſe was ſheriff of Selkirk. The ſheriffs were in general to be either natives of Scotland or Engliſhmen. The lieutenant, chancellor, and chamberlain, were alſo to take care that there ſhould be ſufficient coroners. Beſides the caſtle of Berwick, the other caſtles named in this ordinance are thoſe of Roxburgh, Jedburgh, Edinburgh, Linlithgow, Stirling, and Dunbarton. The kings lieutenant was to have in his hands the caſtles of Roxburgh and Jedburgh. The keeping or conſtabulary of the other caſtles, were to continue in the poſſeſſion of thoſe who then held them. The king's lieutenant and chamberlain, when they came to Scotland, were to ſettle the garriſons of the caſtles of Stirling and Dunbarton, whoſe governors were William Biſſet and John de Meneteth.

two

two for Loeneys or Lodonia, two for Galloway, two for the country beyond the Scottiſh ſea, or between the river Forth and the mountains, and two for the lands beyond the mountains. The king's lieutenant, chancellor, and chamberlain, had power to change the juſtices and the ſheriffs, as they judged for the king's honour and good of the country. With regard to the laws and uſages of Scotland, it was ordained, that the uſage of the Scots and Britons (*a*) ſhould henceforth be totally aboliſhed: and for a farther ſettlement of the laws of that kingdom, it was ordained, That the king's lieutenant ſhould, on his arrival in Scotland, aſſemble the eſtates, before whom the laws *made by king David*, with the amendments and additions of ſucceeding kings, ſhould be read. The lieutenant, with his council of Engliſh and Scots, ſhould amend the laws and uſages that were evidently againſt God and reaſon, ſo far as they were able, in ſo ſhort a time, and without the king's advice. A diſtinct report in writing was to be made to Edward in his next parliament, on the feaſt of Aſcenſion, of the proceedings and opinions of this aſſembly, with regard to the important ſubject of the reformation of the Scottiſh laws; and they were alſo appointed to elect repreſentatives, with full powers to conclude with others appointed by the king concerning ſuch regulations as ſhould tend to the better government of Scotland for the future. The governor was appointed to conſult with the chief men of Scotland, concerning thoſe who were moſt likely to diſturb the publick peace; who were to be ſent into England to the king under fair and alluring pretexts, that he might detain them on the other ſide of Trent, if he ſhould ſee it expedient. Mention is made in this ordinance * only of two offenders, Alexander de Lindeſai and Simon de Fraſer, the former of whom was to continue out of Scotland only half a year; but the other was to undergo an exile of four years, and was not to reſide during that time in the dominions either of France or England.

Interregnum in Scotland. 1305.

(*a*) The Brets or Britons were moſt probably the Galwedians, who in the laws of Alexander II. c. 2. are ſaid to have had proper and ſpecial laws of their own.

At the end of this ſeſſion of parliament, Edward publiſhed his act of grace to the offenders in Scotland, declaring, that on account of their good and loyal behaviour ſince he laſt left Scotland, and from the hope he had of the continuance of ſuch behaviour, he granted them ſafety of life and limbs, with freedom from impriſonment and forfeiture; but as it was not fit that their repeated rebellions and the many horrid outrages committed by them ſhould paſs unpuniſhed, he impoſed upon them, by the advice of his council, fines of one year or a few years rents of their eſtates †. In order to levy theſe, the lord-

Oct. 15. Ryl. 166.

* A memorandum is annexed to this ordinance about the eſtabliſhment of Scotland, bearing, that the king at this parliament gave order before his council to the chamberlain of Scotland, that the burgages of Berwick ſhould be delivered and held, according to the eſtimates that were made by his commandment ſince the conqueſt. And that no charter purchaſed to hold by ſmaller extent, ſhould be allowed. Ryl. p. 508.

† The clergy were to pay one year's rent of their eſtates, except the biſhop of Glaſgow who was to pay three. Thoſe who ſubmitted to the king before John Comyn, were to pay the rent of two years. John Comyn and thoſe who ſubmitted with him at Dunfermling, were to be fined of three years rent. Ingelram de Umfranville, William Baliol, and John Wychard, knights, had come to the king's peace and will, but a little before the preſent letters were granted; for which reaſon the fine of Umfranville was five years rent, the higheſt of any; that of Baliol and Wychard four, and

Edward I. K. of England. 1305.

lord-lieutenant and chamberlain were to cauſe reaſonable extents to be made of the annual revenues of their lands; one half of which was to be paid to the king until the whole ranſom was cleared, and the other half during that interval, to be left to the proprietors for their ſuſtenance. The exile which ſome of thoſe who ſubmitted at Stirling were, by the terms of that ſubmiſſion, to have undergone, was in this act of grace remitted, particularly to John Comyn of Badenoch and the biſhop of Glaſgow.

A.D. 1306.

Edward no doubt flattered himſelf, that by a due proportion of mercy and ſeverity in the meaſures above related, he had ſecured the ſubjection and future quiet of Scotland. It is not however difficult to perceive how offenſive many of theſe new orders would be to the people of that country; particularly the abolition of the uſages of the fiercer part of the kingdom, and the project of making great alterations in the laws by which the more civilized part of it had been governed. The Scots writers alſo ſpeak of their Engliſh magiſtrates and governors exercising their power in a very arbitrary and violent manner; and certainly by this time, mutual national hatred had been ſo inflamed, that the people of either country muſt have been very unfit rulers for thoſe of the other. In circumſtances which excited in the Scots the warmeſt wiſhes of a deliverer, and before their martial temper and habits had *had* time to undergo any decay, a leader every way ſuited to their deſires, preſented himſelf in the perſon of Robert Brus earl of Carrick *, who, in the flower of his age, was endowed with extraordinary abilities both of body and mind. It is probable, that the death of John Baliol, which happened about this critical period in France, together with the captivity of his eldeſt ſon Edward in England, ſuggeſted, or at once matured the thoughts entertained by Brus and his friends, of ſeizing the throne of Scotland. The Scottiſh writers ſay, that *John Comyn* † of Badenoch, who was the *ſon of Baliol's ſiſter*, and, after the Baliols, the next heir in that line to the crown, did, by a ſecret bargain, quit his claim to Brus. The ſame authors add, that Comyn revealed Brus's ambitious views to Edward; but the Engliſh annaliſts only relate, that Comyn was firm in his fidelity to their king, and at a meeting at Dumfries, to which he had been invited by Brus, did obſtinately refuſe to join in the deſign of raiſing him to the throne; by which oppoſition Brus being incenſed,

Ford. l. 12. c. 4.

Hem. vol. i. p. 219.

Feb. 10th.

that of ſons of their vaſſals who came in with them, three. The king reſerved, to be diſpoſed of at his pleaſure, the lands, &c. that John Baliol had alienated from the demeſnes of the crown; and this act of grace extended to none who were the king's priſoners, nor to thoſe who had not come to his peace and fealty.

* Robert de Brus *the fifth*, (viz. of the name of Robert) the grandſon of that Robert de Brus, who, as was above related, contended before the king of England for the kingdom of Scotland. Hem. vol. i. p. 218.

† John Comyn was ſirnamed the *Red*, Johannes de Red Comyn. Ford. Carte ſays, that Winton is the only ancient writer who ſays, that Baliol's ſiſter was John Comyn's mother, and is not conſiſtent with himſelf in this account. In the converſation related by Fordun between Brus and Comyn, the former calls the latter, couſin or kinſman.

This John Comyn married Joan, one of the ſiſters and co-heirs to Aymer de Valence, earl of Pembroke, who died in 1323. He had by her one ſon John, who married a ſiſter of Thomas lord Wake, but had no children, and two daughters, Joan married to David de Strathbolgi, earl of Athol, and Elizabeth to Richard Talbot, who were principal actors in raiſing Edward Baliol to the throne of Scotland. Dugd. i. 685. 777. 539.

ſtabbed

ſtabbed Comyn with his *dagger* *; but the wound not proving immediately mortal, ſome of Brus's friends completed the murder †, in the church of the Grey Friars in that town, where part of Comyn's blood was ſpilt on the altar. Brus immediately after ſeized the caſtle, driving out the judges who were then ſitting in it. Being ſoon after joined by many of his compatriots of all ranks, he impriſoned Edward's ſheriffs, ſeized his lands and caſtles, and laid waſte the eſtates of thoſe who oppoſed the begun revolution. The Engliſhmen, excepting thoſe who were in the garriſons, *fled* as faſt as they could to their *own country* ‡; and Brus by conſent, and in preſence of a conſiderable number of the chiefs of his countrymen, both churchmen and laics, was crowned at Scone §.

Interregnum in Scotland. 1306. Rym. ii. 988. March 25.

To oppoſe this very unexpected inſurrection, Edward's firſt meaſure was to ſend immediately into Scotland Aymer de Valence, who was appointed lieutenant under the king, and captain over the counties of York and Northumberland, and in all Loudonia and the neighbouring places of Scotland, as far as the county of Dumfries; and all military tenants in theſe counties were ordered to obey and follow him, in repreſſing and ſubduing Brus and his adherents. Robert de Clifford and Henry Percy were joined with Aymer in this ſervice; and all of them with forces from the northern counties of England, entered Scotland in the beginning of ſummer; and were joined there by the partiſans of Comyn and others, who continued faithful to the Engliſh monarch.

Rym. ii. 988. Hem. 221.

The decays of old age beginning to be felt by Edward in his own perſon ‖, he ſought to kindle a military ſpirit in his eldeſt ſon and heir, and to animate him to maintain his father's conqueſts, and avenge his quarrels, by conferring upon him, in a very ſolemn manner, the order of knighthood. This ceremony was performed at Weſtminſter on the feaſt of Pentecoſt; and, in conſequence of a ſummons that had been publiſhed over the kingdom, about three hundred youths, many of them of the greateſt families, were knighted at the ſame time with the young prince, and by that circumſtance were attached to him as his brethren and faithful companions in war. And it being uſual on ſuch occaſions to vow ſome feat of arms, the old king vowed to avenge the con-

* Barbour ſays, with a knife.

† The perſon who completed the murder of Comyn was ſir Thomas Kirkpatrick; and in memory of this deed, the family of Kirkpatrick have taken for their motto theſe words. *I will ſecure him.*

‡ Mat. Weſtminſter ſays, they fled to Berwick, *ad municipium Bervici.* Weſtm. p. 453.

§ Hemingford ſays, there were preſent at his coronation, four biſhops, five earls, and the people of the land. Fordun ſays, that Brus was crowned on the ſixth of the calends of April, i. e. the twenty-ſeventh of March, being a Sunday; and Goodall, in note, p. 232, ſays, that this account of Fordun's is true, whatever others ſay. Ford. l. 12. c. 9, 10. Matt. Weſtminſter ſeems to reconcile theſe different accounts, by relating that Robert, after being firſt crowned on Friday the twenty-fifth, cauſed himſelf to be crowned anew on the Sunday following, being the twenty-ſeventh, by the counteſs of Buchan. She took upon her, it is ſaid in Lel. Coll. i. 542. to crown Robert Brus, becauſe her brother the earl of Fife was abſent, lying at his manor of Witnik, by Leiceſter.

‖ When Edward firſt heard the news of Brus's inſurrection, he was keeping Lent at Wincheſter. At Eaſter, in an aſſembly of his great men, he conferred the dutchy of Aquitane on the prince of Wales. (This grant is dated in Rymer, at Wincheſter, April 7th.) After Eaſter, the king was carried to London in a chariot, *(currizando,* Triv.) becauſe he was not able to ride, by reaſon of a weakneſs of his legs, *(ob infirmitatem quam habuit in tibiis.)* Triv. 343.

Edward I. K. of England. 1306.

tempt done by Robert Brus to God and the church; after which he would never more bear arms againſt Chriſtians, but finiſh his days in warring againſt the infidels in the Holy Land. His ſon alſo vowed never to tarry two nights in one place, until he arrived in Scotland, to carry into effect the vow made by his father. His companions vowed the like revenge of John Comyn's murder. Accordingly the prince immediately ſet out towards Scotland with his knights-companions. And the old king with his queen following ſlowly, appointed a general rendezvous of his army at Carliſle, on the eighth of July, to advance with his ſon againſt the Scottiſh rebels.

But before the time of this rendezvous arrived, Robert Brus, with his army, being attacked by Aymer de Valence, who iſſuing forth from Perth, came upon Robert by an artful ſurpriſe at Methven, was totally routed, and many of his followers taken or killed; himſelf and a few of his friends eſcaping with the utmoſt difficulty to the mountains *. After he had wandered ſome weeks among theſe, accompanied by a ſmall and reſolute band, he was again attacked and routed at Dalry, on the confines of Athol and Argyle, by the *men of Argyle* †, under the conduct of the lord of Lorn, who being nephew to the deceaſed John Comyn, was Brus's deadly foe. After this defeat Brus was reduced to a ſolitary and forlorn condition, and endured the moſt diſtreſſing wants and hardſhips: at laſt he found means to paſs over the Frith of Clyde to Cantire; and ſtill diffident of his ſafety there, he ſought it in the ſmall and neglected iſland of Rouchrin, ſituated between the peninſula of Cantire and Ireland, amid the raging waves of the Atlantick. The *only nobles* who accompanied Robert in his flight and all his diſtreſſes, were the earl of Lennox and Gilbert de Hay ‡.

June 24. Sunday after. Hem. June 19, Ford.

Auguſt 11. Ford. l. 12. c. 11.

Ford.

Theſe events left little elſe to be done by the great Engliſh army §, than to

* It is ſaid, that Robert Brus himſelf was taken priſoner at the battle of Methven, by John Haliburton, who, on diſcovering him through his diſguiſe, ſuffered him to eſcape, Lel. i. 542.

The Engliſh hiſtorians Hemingford, Trivet, Weſtminſter, Walſingham, all relate, that Robert came before Perth with a body of horſemen, having all of them linen ſhirts covering their armour, as a diſguiſe to conceal them. They challenged Aymer, who had lately come into Perth with a conſiderable number of Engliſh gens d'armes, to come out and fight them. Aymer accepted of the challenge, but ſaid he would not fight that day, but the next. Brus, on this anſwer, retired to Methven, ſecure that his enemies would not diſturb him that night; but while he and his army were careleſsly refreſhing themſelves, Aymer came forth upon them, and put them wholly to the rout. Brus made all the efforts he could, and would not have eſcaped without the aid of Simon Fraſer, who raiſed him thrice to his horſe, when he was beaten from it. The white ſhirt alſo helped to ſave him; for unleſs he had been diſguiſed, many of the Engliſh muſt have known him. The ſtratagem or lie of Aymer, Carte does not mention.

† Barbour calls them the barons of Argyle, p. 40. v. 9. and ſays there were a thouſand of them.

‡ So ſays Fordun. According to Barbour, James Douglas was another of his inſeparable companions; having joined him near Lochmaben, when he firſt ſet out from thence, after the murder of Comyn.

§ Walſingham, in Ypod. Neuſtr. ſays, That young Edward, with his companions, entering Scotland, was always a day's march before the old king; and in proſecuting his vow of vengeance, ſpared neither ſex nor age, and burnt every village and hamlet in his way; at which his father is ſaid to have been much diſpleaſed: and having chid him for this cruelty to the poor helpleſs people, commanded him always to be merciful to ſuch, becauſe they ſeldom contrive or do any thing without the command of their lords. Yp. Neuſtr. p. 498.

purſue,

purſue, and captivate, and deſtroy. The powerful faction of the Comyns and other Scots joining the Engliſh in this work, almoſt all Brus's neareſt relations and moſt zealous friends ſoon fell into the hands of their enemies. In the caſtle of Kildrummy in Marr, where Aymer de Valence expected to find Brus himſelf, was taken his brother Neal; who, with the other perſons of note in the garriſon, were ſent priſoners to Berwick. The king, on account of his bad health, having, on the approach of winter, taken up his reſidence in the convent of Lanercoſt in Cumberland, ſent from thence juſtices to Berwick to try Neal Bruce and his accomplices, who were condemned to be hanged, drawn, and quartered; and the ſentence was rigorouſly executed. The like puniſhment was inflicted at Dumfries on *Chriſtopher Seton* †, a native of England, who had married Robert Brus's ſiſter; and at Newcaſtle on Chriſtopher's brother, John; as alſo at London on John de Strabolgi *earl of Athol* ‡, and on Simon Fraſer, which latter was ſcarce inferior to Wallace in ſtrength and bravery. In general none were ſpared who were convicted of being acceſſary to the aſſaſſination of Comyn, either in its execution or contrivance, or of receiving and protecting thoſe who were.

Robert Brus, K. of Scotland. 1306.

Ryl. p. 510.

Even the tender ſex and clerical order did not eſcape what Edward ſeems to have thought juſt vengeance. Robert Brus's queen, as ſhe fled to a ſanctuary at Tain, being ſeized by William Comyn earl of Roſs, was ſent to the Engliſh king, who ſhut her up a priſoner in one of his own houſes; but from regard to her father the earl of Ulſter, commanded her to be well treated *. Chriſtina, ſiſter of Brus, who was wife to Chriſtopher Seton, and Margery Brus's daughter, were intruſted to the charge of Henry Percy, who ſhut them up in convents. But a ſingular puniſhment was contrived for the counteſs of Buchan; who being ſiſter to the earl of Fife, fled from her huſband John Comyn, carrying along with her his war-horſes, to Robert Brus at Scone, and put the crown on Brus's head; thereby affecting to perform the office that hereditarily belonged to her brother, who was at that time with the king of England. Edward appointed her to be ſhut up in a wooden cage § in one of

See above, p. 227.

† Taken in the caſtle of Lochdor, Triv. He had formerly killed at Dumfries a ſheriff of the Engliſh king, i. 543.

‡ Mat. Weſtminſter ſays, That this earl *de ſtirpe regali ſibi originem vindicavit*; which was a reaſon of Edward's treating him more ſeverely, inſtead of more mildly, on account of his treacheries in England, Scotland, and Flanders. In Lel. Coll. it is ſaid, That the earl of Athol was couſin to the king of England, and ſon to Maud of Douſe his aunt. Lel. Coll. i. 543.

* She was to be ſent to Bruſtwick, which ſeems to have been in Holderneſs, becauſe Richard Oyſel, ſeneſchal of Holderneſs, was appointed to ſupply her with all neceſſaries. The king ordained, *qe ele giſſe en la plus bele maiſon du manoir a ſa volunté.*

§ The chamberlain of Scotland, or his lieutenant at Berwick upon Tweed, was ordered to cauſe this cage to be made of ſufficient ſtrength; in which ſhe was to be attended and ſerved by one or two Engliſh women of the town of Berwick; and no Scottiſh man or woman, nor any other perſon, except the ſervant or ſervants appointed her, were to be ſuffered to have acceſs to her. This order is from a French original in Rymer. Weſtminſter, a cotemporary writer ſays, That the king declared, that as ſhe did not ſtrike with the ſword, ſhe ſhould not die with the ſword; but ordered her to be ſhut up in an habitation of ſtone and iron, ſhaped like a crown, and to be hung out at Berwick in the open air, for a ſpectacle and everlaſting reproach, while living and dead, to all that paſſed by. The circumſtance of hanging out the cage is not mentioned in the order.

the

Edward I. K. of England. 1306.

the towers of Berwick caſtle. And in the ſame manner was Mary, a ſiſter of Brus, ordered to be ſhut up in one of the towers in the caſtle of Roxburgh.

As to the clergy, Hugh, Robert's chaplain, who was taken fighting in the battle of Methven, was hanged. The biſhops of St. Andrews and Glaſgow, and the abbot of Scone, were ſent, in the coats of armour which were found on them when taken, to different caſtles in the ſouth of England, where they were cloſely ſhut up and ſecured by iron fetters ‡. The friendſhip which the new Pope, Clement V. a native and ſubject of Edward's French dominions, bore to that prince, emboldened him to puniſh, in this manner, the repeated breaches of faith of which the Scottiſh prelates were guilty. He had

May 18th.

alſo obtained from the ſame Pope, in the beginning of Summer, a bull addreſſed to the biſhops of York and Carliſle, authoriſing them to excommunicate Robert Brus and his adherents, on account of the ſacrilege committed at Dumfries.

Hem. Triv.

Amid ſo horrible a deſolation of Brus's intereſt and friends, when his enemies had ceaſed to fear him, and his ſecret well-wiſhers had almoſt wholly deſpaired of ſeeing him more, he ſuddenly made his appearance in Cantire, about Michaelmas *, with a band of hardy followers, from the iſles and Ireland. From Cantire he ſent over ſome of his people into Carrick, to

Dugd. Bar. ii. 273.

collect the Martinmas rents of his lands. Henry de Percy, to whom Edward had made a grant of the earldom of Carrick, together with the reſt of Brus's lands and caſtles in Scotland, came, as ſoon as he could, to defend his new eſtate †; but Brus paſſing in perſon the Frith from Cantire, ſurpriſed Percy in the night-time, ſlew ſome of his men, and ſeized his war-horſes and plate. He was even ſtrong enough to block up Percy in Turnberry caſtle; until Edward receiving intelligence of his danger, ſent a great body of forces to his relief. Brus, unable to contend with theſe, retired into the faſtneſſes of the Highlands.

A. D. 1307. Feb. 22.

In the beginning of the following year, Edward held a parliament at Carliſle. While this was ſitting, the Pope's legate, Peter cardinal of Spain arrived, with a ſplendid retinue. The chief errand of this legate was to ſolicit Edward's conſent to *the conſummation* § *of* the marriage between the prince of Wales and the king of France's daughter; which could not however be accompliſhed without ſome farther delay. This legate embraced the opportunity of gratifying Edward, by joining with the Engliſh biſhops in pronouncing againſt Brus and his adherents a ſentence of excommunication, with all the

‡ In the ordinance for ſettling the peace of Scotland, after the battle of Methven, it was appointed, that thoſe who aided, counſelled, procured, or *preached* the people of Scotland to riſe againſt law, and were attainted thereof, whether clerks or others, ſhould be ſeized and detained in priſon, during the pleaſure of the king. Ryl. 510.

* Barbour ſays, That he paſſed over from Raughrin to the Iſle of Arran, which is ſituated in the Frith between Cantire and Carrick, and from Arran into Carrick.

† Henry de Percy had, ſeveral years before, (26 Edw. I.) obtained a grant of all the lands, as well in England as in Scotland, that were the inheritance of Ingelram de Baliol deceaſed, and which by inheritance belonged to Ingelram de Umfranville, then in rebellion. Dugd. ii. 272.

§ *Pro matrimonio——conſummando.* Walſ.

circumſtances which, in thoſe ſuperſtitious times, were contrived to make it terrible *.

Robert Brus, K. of Scotland.

1307.

In the beginning of February, two brothers of Brus, Thomas and Alexander, the latter of them a clerk, in making a deſcent on the coaſt of Galloway, with a great ſhip full of men, were encountered and totally defeated by Duncan Magdoil; who brought the heads of the chieftain of Cantire, and others of the ſlain, to Edward, together with the two Brus's, half dead with wounds; who by the king's command were tried, and executed at Carliſle. But this combination of the ſword of juſtice with the ſword of war, the execrations of the church, and moſt piercing domeſtick wounds, were not ſufficient to break the ſpirit of Brus, or to deprive him of followers. On the contrary, their effect was to kindle in the breaſts of a fierce people an inſatiable thirſt of revenge; and eſpecially the ſevere executions inflicted with the forms of law, and by the ſentences of judges; beſides the particular reſentments of the ſufferings and loſs of favourites and friends, opprobriouſly cut off in this manner, excited in them ſuch a horror of the Engliſh laws and government, that rather than remain under them, they choſe to ſpend their laſt drop of blood in battles. This ſoon appeared by the great numbers which accompanied Robert to the field about Eaſter; with which he routed Aymer de Valence at *Cumnock*; and three days after, Ralph de Monthermer earl of Glouceſter. In the firſt engagement only a few fell; but in the ſecond the ſlaughter was conſiderable on both ſides. The earl of Glouceſter was driven into the caſtle of Air, and was there beſieged, until a great army ſent by Edward came to his relief. Brus, after having ſuſtained ſome loſs, in a conflict with this army, retired into woods and marſhes, where his enemies could not follow him.

Hem. 225. M. W.

Theſe events were the more diſtreſſing to the Engliſh monarch, that they came upon him amid the infirmities of old age and the laſt ſhocks of an incurable diſeaſe. And it ought rather to be regarded as a laſt ſtruggle, than a regular exertion of his great mind, that, in order to confute a report which had gone abroad of his death, he ſet out from Carliſle on his march towards Scotland, ſome days before that which had been fixed for the rendezvous of his great army; notwithſtanding he was reduced to extreme weakneſs by a dyſentery. On the two firſt days, he advanced at the rate of only two miles a day, reſted on the third, and on the fourth reached Burgh on the ſands; where, on the morning of the fifth, as his ſervants were raiſing him up to take ſome food, he breathed his laſt in their arms.

Monday July 3.

Friday July 7. Rym. ii. 1059.

* *In fine reveſtivit ſe, et ceteris epiſcopis qui aderant; accenſiſque candelis et pulſatis campanis terribiliter excommunicaverunt Robertum de Brus cum fautoribus ſuis.* Hem. 226.

BOOK

THE

BORDER-HISTORY

OF

ENGLAND AND SCOTLAND.

BOOK IV.

Edward II. K. of England. A. D. 1307.

EDWARD II. a weak and diſſolute youth having aſſumed the reins of government, ſeemed to think that he himſelf could not be king, unleſs he contemned and counteracted the will of his deceaſed father. There was nothing ſo ardently deſired by the late king as to be thoroughly avenged of the perfidy of the Scots, and to bring them into an entire and laſting ſubjection to his crown; for which purpoſe it was his dying charge to his ſon, to proſecute the war againſt Scotland, preferably to every other object. But Edward, after receiving, at Roxburgh * and Dumfries, the fealty and homage of ſuch Scotchmen as were either diſaffected to Brus, or obnoxious to the power of England; and after a ſhort progreſs into the county of Air, returned to Carliſle. From that city, in the beginning of September, he ſet out towards his capital; having appointed Aymer de Valence his guardian and lieutenant in Scotland; with power to receive to his peace and fealty all rebels and enemies, who were willing to ſubmit, and who could clear themſelves, on trial, of the death of John Comyn, or of giving their council and aſſent to the preſent war of Scotland.

While Edward thus abandoned the proſecution of his father's favourite object †, and rendered, in a great meaſure, uſeleſs, all the preparations he had made for carrying on the Scottiſh war; he did alſo, in breach of a ſolemn oath, made ſome months before his father's death, and in contempt of his father's curſe, immediately recal from exile his favourite Gaveſton; conferring upon him, while yet abſent, the great earldom of Cornwall. It is probable that Anthony Bec biſhop of Durham, whom Pope Clement V. had the year before created patriarch of

* Hemingford ſays, That the king having gone to Roxburgh, received the homages and fealties of many of the great men of the kingdom of Scotland.

† Robert Brus is ſaid to have declared, that he was more afraid of the bones of Edward I. than of his living ſon; and that it was much more difficult to get half a foot of land from the firſt Edward, than a kingdom from his ſucceſſor. M. W. A. D. 1308. (Ap. Carte, ii. 315.)

Jeruſalem,

Jeruſalem *; and who had, for a conſiderable time before the late king's death, been in diſgrace with that monarch, did, by joining many others, in flattering the young king's fondneſs for Gaveſton, obtain from him the reſtitution of the liberties of his biſhoprick, which had been ſeized by the late king †. This reſtitution was made at Carliſle, in the beginning of September, and was followed by many other marks of the royal friendſhip, which the patriarch biſhop enjoyed during the remainder of his life ‡.

Robert Brus, K. of Scotland. 1307. Sept. 4. Rym. iii. 9.

The king, when at York, on his way ſouthward, made a change in the guardianſhip and lieutenancy of Scotland, conferring it on J. de Bretagne earl of Richmond. This nobleman was obliged, by his commiſſion, to retain in his family ſixty men at arms, for the defence of the country; and for the maintenance of them, was to be paid ten merks a day, by the chamberlain of Scotland ‖, from Michaelmas to Candlemas enſuing. Beſides the power which was granted to him over all ranks of perſons in Scotland, the ſheriffs of Northumberland, Cumberland, Weſtmoreland, and Lancaſhire, were ordered, at his command, to raiſe their poſſés, for repelling and purſuing the king's enemies. The intelligence ſoon after received of the hoſtile proceedings of Robert Brus in Galloway, produced orders to the earl of Richmond, to lead againſt him thoſe of his band, with the other loyal ſubjects of the king in Scotland. Special orders were ſent to Patrick §, earl of Dunbar, and ſeveral other Scottiſh chiefs, to accompany the guardian in this expedition. Orders were alſo iſſued to two perſons, deſigned *keepers of the king's peace* ** in Lancaſhire, Cumberland, and Weſtmoreland, and to two others, bearing the ſame office in Northumberland and the liberty of Tindale, to be in readineſs with the men of theſe counties to obey the earl; but theſe orders bore, that the men of the above-mentioned counties ſhould not be led forth from their own counties into Scotland, unleſs ſome urgent neceſſity required it. For the farther ſupport of the war in Scotland, the ſheriffs of London were required, with the rent paid by the city to the king, and the fines accruing to him in their courts, to purchaſe divers articles of proviſions and military implements, and to ſend them with all poſſible expedition to Berwick on Tweed, to be delivered to the receiver of the king's ſtores in that town †§.

Sept. 8. Rym. ib. 14.

Sept. 8th

* *Et hoc*, ſays Hemingford, *quia erat dives Epiſcopus et Papa pauper.* Hem. i. 216.

† The original and progreſs of this ſtrife is related in the Hiſt. Dun. Rob. de Grayſtanes ap. Wh. Ang. Sac. i. 749—754, and Hem. p. 216, 217.

‡ This reſtitution he made for the honour of God, and of the glorious confeſſor St. Cuthbert, and from the ſpecial affection, which he had long entertained for the ſaid biſhop. Rym.

‖ Euſtace de Coteſbache, the king's clerk, was appointed chamberlain and receiver of Scotland, from Michaelmas, during pleaſure, and Rob. Heyton comptroller. Rym. iii. 11.

§ There are mentioned along with earl Patrick, John de Haſtings, John de Fitz-Marmaduke, Rob. de Keth, Alex. d'Abernythi, Hen. de St. Clair, Alex. de Baillol, and John de Vaus. Rym. ib.

** Thoſe in Lancaſhire and Cumberland were, John Baron of Wygeton, and Richard le Brun; in the county of Northumberland, and liberty of Tindale, Roger Heron, and Simon Ward.

†§ Theſe articles were twenty barrels of honey, one hundred of wine, twelve thouſand weight of iron, five hundred pounds of hemp-cord for baliſtæ, five hundred pounds of hemp, one hundred baliſtæ of one foot, forty of two feet, twenty baliſtæ *de turno*, thirty thouſand arrows for baliſtæ of one foot, twelve thouſand arrows for thoſe of two feet, two thouſand two hundred feathered arrows of copper *(quarrellos pennitos de cupro)*, for baliſtæ *de turno*. Rym. iii. 16.

Edward II. K. of England.

A. D. 1308. Rym. ib. 50. Jan. 15. June 21.

In the beginning of the year 1308, before the king paſſed over to France, to be married at Boulogne to Iſabel, daughter of Philip the Fair, the commiſſion of guardian and lieutenant in Scotland was renewed to the earl of Richmond; and his ſalary, on the ſame terms as before, was continued from Candlemas to Eaſter. But about ſix months after, this commiſſion was given jointly to two perſons, Robert de Umfranville earl of Angus, and William Ros of Hamlake. At the ſame time letters were ſent to John Comyn earl of Buchan, and ſeveral beſides, requeſting them to retain the charge of the ſeveral diſtricts that had been intruſted to their care, until the arrival of the king in Scotland. He aſſured them of his reſolution to be at Carliſle in the latter part of Auguſt; and in the end of June he ſent orders to Coteſbache, his chamberlain, to provide a ſtore of ſalmon for his uſe in his approaching expedition †. But Edward's attachment to Gaveſton abſorbed all his other concerns; and the exceſs of this attachment, together with the extreme inſolence and rapacity of the favourite, had excited ſuch a formidable combination of the nobles and prelates againſt him ‡, that the king was obliged, at Midſummer, to ſend him out of England; to compenſate for which diſgrace, as much as he could, he appointed him his lieutenant of Ireland; where he enjoyed and expended, with great ſplendor, the revenues of that country.

Mean while Robert Brus, having recovered from a tedious and threatening diſtemper, made a great progreſs in ſubduing Scotland. He defeated this year, on Aſcenſion-day, at Inverury, his capital enemy, the earl of Buchan; and afterwards deſtroyed his lands with fire and ſword. His brother Edward routed Donald of the Iſles, near the river *Dee* *. Afterwards Robert gave a defeat to the men of Argyle, and took the caſtle of Dunſtaffnage; the lord of which, named Alexander, and others, who refuſed to ſubmit to Brus's dominion, were ſuffered by him to paſs into England. Theſe conqueſts, though of the greateſt moment to Brus, and the beginnings of a proſperity that never afterwards forſook him, were the leſs alarming to the Engliſh, on account of their diſtance from their frontier; and the project of Edward's expedition, if real, did not this year take effect.

June 29. Auguſt 22.

Notwithſtanding the intimate connexion of Edward with the king of France, yet the jealouſy of increaſe of power in the rival kingdom of England, induced Philip to favour the independency of the Scots. And the reſidence of Pope Clement in France, together with the particular obligations of that prelate to Philip, influenced him to conſpire with that monarch in all his views. At the ſame time it was not difficult for either of them to perſuade ſo indolent and weak a prince as Edward, that they were doing him a great favour, in procuring him a reſpite from his diſtreſſes on the ſide of Scotland. By the mediation therefore of one, or both of them, a truce was agreed from the

† Three thouſand ſalmon to be barrelled.

‡ Hugh le Deſpenſer, according to the monk of Malmeſbury, was the only friend of Gaveſton; which proved an introduction to the like favour, afterwards enjoyed by Deſpenſer himſelf.

* Abercromby calls it Deir.

former

Robert Brus, K. of Scotland.

A. D. 1309.

former part of the year 1309, until the enſuing feaſt of All Saints †. In June, Edward, unable longer to bear the abſence of Gaveſton, recalled him from Ireland, and received him at Cheſter with tranſports of joy. Perhaps the proſpect of the confuſions, which this return would not fail to excite in England, gave encouragement to the Scots to violate the truce, by renewing hoſtilities. Edward accuſes them of this infraction, in a ſummons ‡ iſſued to his military tenants, about a month after Gaveſton's return, to attend him at Newcaſtle, on the feaſt of Michaelmas, with their military ſervices, to march againſt the Scots.

July 30. Rym. ib. 147.

In the following month, orders were iſſued for raiſing bodies of able footmen in Wales, and in ſeveral of the counties, chiefly of the north and weſt of England *, to be conducted to the rendezvous appointed at Berwick, eight days after Michaelmas. Theſe military preparations did not hinder Edward from appointing Rich. de Burgh earl of Ulſter, the near relation of Robert Brus, to treat with him about terms of peace and concord. In the end of November, the like powers were granted, at the requeſt of the king of France, (*a*) as the king's father and friend, and not as an ally of the Scots, to Robert Umfranville earl of Angus, and others; and a ſhort truce was concluded, for agreeing to which, a ſum of money is ſaid to have been paid to the Scots §.

Auguſt 5. Rym. ib. 157—160.

(*a*) This is a qualification frequently afterwards adjected on the like occaſions.

In

† According to Hemingford, i. 245, the earl of Glouceſter, with two other earls, were ſent by Edward as ſolemn meſſengers to Rob. Brus, on Jan. 23.; and Edward alſo ſent certain perſons along with nuncios from the Pope, to treat of a truce. Hemingford ſays, in the ſame place, That Robert being fully recovered, began to make great havock in Northumberland. On 4th March the king grants a ſafe conduct to Oliver des Roches, a meſſenger from the king of France to the biſhop of St. Andrews and Robert Brus; to which meſſenger Edward gave Gilb. de Hall, his ſerjeant at arms, to be his conductor to and again. Rym. ib. 127.

‡ In this ſummons he ſays, That the truce had been granted to the Scots, at the requeſt of the French king.

* Of theſe foot, Yorkſhire was to furniſh one thouſand, and Northumberland four hundred. The king had requeſted the patriarch of Jeruſalem, to ſend from his biſhoprick of Durham three hundred, and two hundred out of his liberty of North Tindale. Commanders were alſo appointed over the different quarters of Scotland, for leading the king's faithful ſubjects in them to reſiſt Robert Brus.

The weakneſs of Edward's adminiſtration, with regard to Scotland, appears from the frequent changes of his guardians and commanders there, during the latter part of this year. In Auguſt, commiſſions of guardian, and chief captain, were given to Rob. de Clifford, and Gilb. de Umfranville; and the king ordered Bevercotes, his chancellor in Scotland, to acknowledge and obey either of them, who ſhould aſſume the office, Aug. 20. In September, the earl of Glouceſter and Hertford was made captain of the king's army on both ſides of the Scottiſh ſea; and in October, J. de Segrave was guardian of Scotland. In December, Rob. de Clifford was made guardian of Scotland, and the earl of Glouceſter appointed captain in an expedition into Scotland, to raiſe the ſiege of the caſtle of Rothergle (I ſuppoſe Rutherglen, commonly Ruglen). Hemingford ſays, That the king ſent to Carliſle the earl of Herford (Hertford) and lord Robert Clifford, for defence againſt the Scots; alſo the lord Henry Beaumont to Berwick, who, after many miſchiefs committed by the Scots on the borders, did, by giving money, conclude a truce with them till the morrow of Hilary, p. 246.

§ In the end of this year (1309), Henry de Percy obtained a grant from the patriarch biſhop of Durham, of the barony, caſtle, and town of Alnwick, which the biſhop is ſaid to have received from Veſey, its late lord in truſt for his baſtard-ſon. The bargain, however, was carried on with the approbation of the king; who, early in the following year, gave his charter confirming it.

Edward II. K. of England.

A. D. 1310. March 13.

In the beginning of the year 1310, William biſhop of St. Andrews, and Robert Umfranville, were at the head of a commiſſion given to ſix perſons to negociate a truce with Edward's enemies in Scotland; which truce Edward is ſaid to have granted them, at the inſtance of the king of France ‡. Soon after, John de Segrave was inveſted with the guardianſhip of Scotland, on both ſides the Scottiſh ſea. He was obliged, as ſome of his predeceſſors in that office had been, to keep in his family ſixty men at arms, for whom the king allowed him pay; and the inhabitants of Northumberland, Cumberland, Lancaſhire, and Yorkſhire, were required to give him attendance and obedience. Edward was inclined to embrace any means of obtaining a temporary quiet in Scotland, on account of the ſtrength and violence of the party that oppoſed his favourite Gaveſton; for this party had ſufficient power in the parliament, which met at Weſtminſter in Lent, to oblige the king to confer on twenty-one perſons, prelates, earls, and barons, full authority to *ordain* every reformation that to them appeared requiſite in the king's houſehold and kingdom; whence they were called *Lords Ordainers*.

It is not known for how long a term the truce with the Scots was concluded; but from the date of Edward's preparations *for an expedition againſt them*, they ſeem to have renewed hoſtilities on the return of ſummer *. For, in the middle of June, meaſures were taken for ſending a fleet to the relief of the Engliſh garriſon in Perth †; and the maritime towns of England were requeſted to fit out ſhips, each according to its ability, amounting in all to forty, for tranſporting from Ireland a body of forces, under the earl of Ulſter, who were coming to the king's aid in his intended expedition. In the beginning of Auguſt, Edward was at Northampton, where he iſſued ſummons to his military tenants, to be at Berwick, with the ſervice that each owed him, on the day of the Virgin's nativity (Sept. 8). He alſo, while there, made a change in his orders to his fleet; commanding them, inſtead of ſailing to Ireland, to ſail directly to the parts of Scotland to which they were to have car-

Rymer, ib. 211.

(Rym. iii. 184—199). And thus was this noble race, eminent in the more ſouthern provinces ſince the conqueſt, introduced into Northumberland, where it ſoon attained the firſt degree of wealth and dignity; and where, after ſuſtaining many of the hardeſt ſtrokes of adverſe fortune, alternated with the higheſt proſperity, it hath, in our days, emerged from long depreſſion and obſcurity, with a moſt conſpicuous and amiable luſtre.

‡ Philip, king of France, ſays ſo in a letter to Edward, written on the 7th of July enſuing. It is remarkable, that Philip, in that letter, mentions the *king of Scots* as a party in the truce; although in the preceding year Edward had complained to Philip of Mahon de Varennes his envoy having, in his letters to Robert Brus, given him the title of earl of Carrick, and *king of Scotland*. Rym. iii. p. 150—215.

* Theſe hoſtilities, and the meaſures neceſſary to be taken for oppoſing them, prevented an interview, which was to have been held at Pontoiſe, between the kings of France and England, fifteen days, or three weeks after midſummer. Edward ſent envoys to Philip, to excuſe his failure in this meeting, and to inform him, that the infraction, on the part of the Scots, of the truce granted them at Philip's inſtance, was the reaſon why Edward could not leave his kingdom. Philip, in his anſwer, blames the Scots for not regarding either their own, or his honour; and tells Edward, he was immediately to ſend ſpecial meſſengers, to remonſtrate to them, concerning their behaviour, as it deſerved (*qui ſuum et gentium ſuarum in præmiſſis, defectum ſummopere ſibi referent, ut decebit*).

† John Fitz-Marmaduke was its governor, and Alexander Abernithi was king Edward's general between the Scottiſh ſea and the mountains. Rym. ib.

ried the Iriſh; and to join with John of Argyle, and others of the king's ſubjects, who were to meet them at ſea, in order to attack and diſtreſs the king's enemies, at ſuch places and times as they ſhould find moſt convenient.

Robert Brus, K. of Scotland. 1310.

In September the king entered Scotland, by the eaſtern march, with a great army *. He appointed, while at Newcaſtle, Henry de Lacy, earl of Lincoln, to be guardian of England, during his abſence. Beſides this great earl, there remained at home the earls of Lancaſter, Pembroke, Warwick, and Hereford, intent on framing ordinances for depreſſing the royal power, and for ſeparating the king from his favourite, the earl of Cornwall; whom they abhorred ſo much, that they would not follow the king in an army where he was preſent. Their ſervices, however, were there; though probably far from complete. The earls of Glouceſter and Warrenne, the lords Henry Percy, James Clifford, with many other nobles and barons, were in perſon with the king; who led his army as far as the Friths of Forth, and perhaps of Clyde; deſtroying and ravaging the lands and houſes of his enemies, while they, without hazarding a general engagement, made ſudden and fierce attacks from their woods, caves, and moraſſes, on marauding or foraging parties. In one of theſe rencounters, three hundred Engliſh and Welchmen were cut off, before ſufficient numbers could arrive to their aid. But ſcarcity of proviſions, and ſeverity of weather, obliged the Engliſh king to return to Berwick early in the winter †; and he ſpent the remainder of the ſeaſon in that town, accompanied by his queen and nobles.

Rym. ib. 225. Hem. i. 247, 248. Fordun. l. 12. c. 18. Mon. Malm. p. 106.

Soon after Edward's arrival at Berwick, he wrote to the earl of Flanders, complaining of certain piracies that had been lately committed by ſubjects of the earl and their accomplices on the ſubjects of England; by the terror of which piracies, the ſhips that were employed to carry proviſions to the king and his army, from the ſouthern parts of his dominions, were hindered from putting to ſea. Edward had alſo diſcovered, that ſome of his ſubjects, from love of gain, or encouraged by the diſcontented barons, had conveyed to the Scots, proviſions and military ſtores; all which pernicious and diſloyal traffic he prohibited by proclamation, under the ſevereſt penalties. Being alſo informed of a project of Robert Brus, to make a deſcent on the Iſle of Man in the courſe of the winter, with all his ſhipping from the *Weſtern Iſles* of Scotland, he ordered the ſheriffs of the weſtern counties of England, to give their aid to Gilbert Mackſky, the ſteward of the biſhop of Durham in that iſland, for its defence ‡. Sheriffs were alſo ordered, every where, to ſeize certain malefactors belonging to the ſame iſland, who were adherents to Brus, and had done many miſchiefs to the king and his friends.

* He was at Roxburgh on the 20th of September. Rym. ib. 225.

† Hemingford ſays, That he advanced as far as the Scottiſh ſea. According to Fordun, he came to Renfrew; but before he had effected any thing of moment, returned to England. Date of papers in Rymer, ſhew him to have been at Biggar and at Linlithgow in October. By the ſame evidence, he was at Berwick Nov. 10. There was this year ſo terrible a dearth, and ſcarcity of proviſions in Scotland, ariſing from the havock of war, that many were obliged to feed on the fleſh of horſes, and other carrion. Rym. iii. 226—230.

‡ Hiſt. Dun. ſays, That the biſhop had the Iſle of Man during his life, by gift of the king. Ang. Sac. i. 754.

In

Edward II. K. of England.

A. D. 1311.

In the following February, the king wrote very earneſt letters to Pope Clement and his cardinals, requeſting that Wiſhart biſhop of Glaſgow, whom the king had lately ſent from an Engliſh priſon to the Pope's court, might not be ſuffered to prevail in his ſolicitations, to be ſent over to Scotland in his former ſtation; as he had been a capital enemy and traitor to the king and his father, and his return would be particularly hurtful to the king in his preſent expedition. A prelate, who was no leſs a diſtinguiſhed object of the royal favour, than the other was of his reſentment, died in the beginning of March. This was the opulent and magnificent patriarch-biſhop Anthony de Bec. He died at Eltham, where he had built a ſplendid houſe, of which he made a preſent to the queen *. The election of his ſucceſſor, Richard de Kellaw, a monk of the convent of Durham, was approved, and the temporalities of the biſhoprick conferred on him by the king, during his reſidence at Berwick †.

March 3. Ang. Sacr.

April 11. May 20.

Carte, ii. 318.

The death of Henry de Lacy, earl of Lincoln, in the beginning of February, made a great addition to the wealth and power of the earl of Lancaſter, already far too great; for Lancaſter having married Lincoln's daughter and only child, ſucceeded to his earldom and eſtate. The king, in March, committed the guardianſhip of England, during his abſence, to his nephew the earl of Glouceſter. About the ſame time he made an *inroad* into Scotland, and met with no oppoſition; but want of force obliged him to return to Berwick. He afterwards continued there in perſon, and gave the command of the chief part of his army to his favourite the earl of Cornwall; affording him, by this truſt, an opportunity of acquiring military glory. Gaveſton is ſaid to have given ſufficient proofs of courage and conduct in this expedition; for he led his army acroſs the Frith of Forth, and for many days endeavoured to find out his enemies, and bring them to a battle; but without effect, as the Scots retired to inacceſſible mountains and bogs.

March 4. Rym. ib. 253.

Hem. i. 248.

Whatever inconveniences attended the ſituation of the king at Berwick, it was much more agreeable to him, than the buſineſs that awaited him in his capital. This was to hear and ratify the *ordinances*; which drove from him his favourite ‡ into perpetual exile; while they provided remedies for divers abuſes, they did, at the ſame time, in ſeveral reſpects, abridge the conſtitutional power of the crown. For this purpoſe a parliament met in Auguſt, in which the king, yielding to a compulſion he had not ſtrength to reſiſt, confirmed the

* After the death of Anthony de Bec, the lord Henry Beaumont had a grant made to him of the Iſle of Man to hold for life, by the ſervices which the lords thereof had uſually performed to the kings of Scotland; and about this time took to wife Alice, one of the couſins and heirs of John earl of Buchan (Boghan) conſtable of Scotland. In 6 Edward II. doing his homage, he had livery of the lands of her inheritance. Dugd. ii. 50. Theſe were in the county of Leiceſter, and had been acquired by Alexander earl of Buchan, in Henry III.'s time, by his marrying Elizabeth, one of the daughters and heirs of Roger de Quinci earl of Wincheſter. Id. i. 685, &c.

† This biſhop courageouſly repreſſed certain robbers, called Shavalds, who committed outrages in the biſhoprick. The biſhop's men ſlew one of theſe *(Shavaldus vel prædo)*, John of Werdale, in the Holy Iſland; for which the king, irritated at the biſhop for not ſupporting his favourite Gaveſton, ſought, but in vain, to have the biſhop's brother put to death. Ang. Sac. i. 756.

‡ One of the charges againſt Gaveſton, in the ordinance for his baniſhment, is, That he conducted the king into a land of war, without the common conſent of his barons.

articles

articles propoſed by the lords ordainers; and Gaveſton immediately paſſed over to Flanders *.

Robert Brus, K. of Scotland.

1311.

The chief meaſures taken by Edward before he left Berwick, for carrying on the Scottiſh war, were, the appointment of John of Argyle to command the fleet, which the king had ordered to ſail from ſeveral ports of England toward the coaſt of Argyle and Inchgale, and the ſummoning of thirty-eight barons, chiefly of the northern parts of England, to be at Roxburgh at Lammas †, with their military ſervice for an expedition againſt the Scots. Any thing that was done in conſequence of theſe orders, did not avail to hinder Robert Brus from taking the field with his forces ſoon after Edward left Berwick. Entering England by the Frith of Solway, he ravaged Gilleſland, and a great part of Tindale ‡; and returning in the following month by Redeſdale, he over-ran the country as far as Corbridge, and falling again into Tindale, ſeized whatever had been left in the former incurſion. The miſchiefs ſuffered in theſe inroads, and to a continuance of which the Northumbrians remained expoſed, induced them to give 2,000*l.* for a truce till the following Candlemas. Rymer, ib. 268, 271.

The civil broils of England, and probably a ſecret friendly correſpondence between Robert Brus and the faction that oppoſed the king, afforded Brus the opportunity, which he had wiſdom and courage to improve, of completing the reduction of Scotland. He regained this year the ſtrong fortreſs of Dumbarton from ſir John Menteith, the betrayer of Wallace. Early in the year following, he took Perth by ſcalade in the night. The Scots in the town who had been traitors to him, were put to the ſword; but moſt of the Engliſh were ſpared. Soon after, David earl of Athol, Alexander de Abernethy, Adam de Gurdon, with three others, were commiſſioned by Edward to negociate a truce with his enemies in Scotland. But this negociation did not prevent a new inroad of Brus into England, wherein the like violent deeds were committed as in the former; and the unuſual number of Brus's forces in this incurſion, made Edward apprehend that he purpoſed to beſiege Berwick.

A. D. 1312. Ford. l. 12. c. 18, 19. Rym. ib. 300, 304. Ibid. 313.

The unhappy monarch, notwithſtanding all the diſtreſs he ſuffered from the Scots, and from his own headſtrong barons, could not conquer his attachment to Gaveſton. This favourite returning from Flanders, came in January to the king at York, when the king reverſed the whole ſentence that had been paſſed againſt him; and re-inſtated him, ſo far as he was able, in all his honours

* This parliament alſo obliged the king to remove from his court the lord Henry de Beaumont, and his ſiſter the lady Veſey. The extravagant grants made to them were reſumed; and in particular, the caſtle of Bamburgh, was taken from the lady. Carte, ii. 320. from Parliament Rolls. It was given to the lord Percy. Dugd. i. p. 273.

† They had been ſummoned to be at the ſame place on Midſummer-Day. But it is not told how that appointment had failed, or been changed.

‡ Edward, Oct. 17. ſent to Pope Clement, a letter of excuſe for Richard de Kellaw, the new biſhop of Durham, not attending the general council of Vienne, giving as the reaſon the neceſſity of his preſence at home, for defending his territories againſt the incurſions of the Scots in the winter, who coming forth like wolves out of their dens after the king left their neighbourhood, had invaded England in divers parts of the march, committing their ravages without ſparing the innocent, ſex, age; or what was ſtill more lamentable, (*prob dolor!* he is writing to the Pope), the immunity of eccleſiaſtical liberty. The like excuſe he makes to the French king for putting off an intended interview with him at Boulogne. Rym. ib. 283.

and

Edward II. K. of England.

and eſtates. In April, the king with his favourite came to Newcaſtle, to be more at hand for repelling the Scots; and at a ſafer diſtance from the barons, who having choſen Lancaſter for their leader reſolved to enforce by arms their ordinances againſt Gaveſton, which Edward had pretended to annul *. In the beginning of May, Lancaſter accompanied with the lords, Henry Percy, Robert Clifford, and many others, came by ſurpriſe upon the king and his minion at Newcaſtle. With difficulty they made their eſcape to Tinmouth, and thence by ſea to Scarborough. Gaveſton being left there by Edward, as in a place of ſecurity, was immediately beſieged by the earl of Pembroke, Henry Percy, and others, and was ſoon obliged to ſurrender himſelf to Pembroke and his followers, on terms which other heads of the junto, Lancaſter, Hereford, and Arundel, not approving, they took him out of their hands and put him to death as a traitor †.

1312. Rym. ib. 317, 318.

July 1.

Theſe inteſtine troubles of England inſured to Robert Brus the continuance of that ſucceſs with which the year had opened. He took the caſtles of Bute, Dumfries, Dalſwinton, and many other fortreſſes in his own kingdom; and that they might no more be the dangerous receptacles of rebels or foreign foes, he raſed them all to the ground. About the middle of Auguſt, having invaded England, he burnt the towns of Hexham and Corbridge, and ravaged the country on that ſide. He led his forces ſo ſecretly and rapidly into the biſhoprick of Durham, that the inhabitants were ſurpriſed in their beds, and great part of the city of Durham was burnt. In this expedition, ſir James Douglas took and ſpoiled Hartlepool, and many captives were carried away from that town and other places of the county. To reſcue themſelves from ſtill greater deſtruction, the inhabitants paid the Scots 2,000 *l.* ‡; in conſideration of which, they were alſo to have a truce until Midſummer of the following year, but were not to diſturb the Scots paſſing through their province, if they choſe to advance farther into England. The ſame conditions were granted to the people of Northumberland, and alſo to thoſe of Cumberland and Weſtmoreland; but the people of the two laſt named counties being unable to advance the whole ſum, gave hoſtages for the deficiency. Robert alſo did this year attempt to ſurpriſe Berwick (by a ſcalade); but after ladders of ropes were applied to the walls, the garriſon, being alarmed by the barking of a dog, obliged the aſſailants to retire with ſome loſs.

Hem. i. 262. Ford. l. 2. c. 245. Ang. Sac. i. 756.

* The monk of Malmeſbury relates, that Edward requeſted Robert Bruce to afford Gaveſton a retreat in Scotland, until the violence of the Engliſh barons ſhould ceaſe, or until ſome other place of ſafety could be provided for him, accompanying his requeſt with the moſt tempting offers of confirming to Robert his right to the Scottiſh crown, to which Bruce is ſaid to have replied, that he could have no confidence in the promiſes of a man, who had violated his engagements confirmed by oath to his own lieges, p. 117, 118.

† Lord John Moubray being at this time ſheriff of Yorkſhire and governor of the city of York, was commanded by the king to ſeize Henry Percy, for having ſuffered Piers de Gaveſton to make his eſcape out of Scarborough caſtle, in which the ſaid Henry undertook he ſhould be ſafe kept, having rendered himſelf to him on that condition. Dugd. i. 126.

‡ Grayſtanes in Hiſt. Dun. ſays, the ſum paid to the Scots was 1000 merks. He ſays, the biſhop was then at London at the parliament (but there was no parliament during this year of confuſions). Ang. Sac. p. 756.

The

Robert Brus, K. of Scotland. 1312.

The happy birth of Edward, afterwards the Third, at Windſor, about Martinmas *, having made the king more placable, and alſo more formidable to his barons, and the earneſt mediation of the Pope and king of France being interpoſed, an agreement was concluded between Edward and the inſurgent lords about Chriſtmas: and it was an article of this agreement, that the lords ſhould give their influence and conſent in parliament for obtaining to the king a ſufficient aid from all his kingdom for his war of Scotland. But before any effectual meaſures were employed for this purpoſe, Robert and his brave generals obtained new and conſpicuous advantages. Rym. ib. 366.

A. D. 1313. Ford. l. 12. c. 19. Barbour, Robert Brus, 206,—211.

On the evening of Shrove Tueſday, in the ſucceeding year, the garriſon of Roxburgh †, while indulging themſelves in the uſual riot of that feſtival, were ſurpriſed by ſir James Douglas, who, accompanied by a few reſolute men, mounted the walls on ladders of ropes. The cry of *Douglas*, in an inſtant quaſhed the noiſy mirth of the Engliſh, of whom many were ſoon killed. The governor ‡ retired into the great tower with a few of his men, but two days after, being ſore wounded in the face by an arrow, he made a ſurrender of himſelf and his companions, on condition of their being conducted into England. This was performed, and the governor ſoon after died of his wound. The Scottiſh king being informed of this exploit, immediately ſent his brother Edward to demoliſh the fortifications, which was ſoon effected by the united labours of many hands. All Tiviotdale was hereby reduced to the king's obedience, except Jedburgh, and ſome other places that lay neareſt to England. Very ſoon after, Thomas Randolph, the king's nephew, took the caſtle of Edinburgh by an adventurous ſurpriſe §; for, after climbing a hideous rock in a night of thick darkneſs, a ladder was applied to a low part of the wall; and Randolph himſelf was the third of a band of thirty who mounted it. Theſe ſucceſſes ſeem to have made Edward tremble for Berwick, for he ſoon after ſent an order to Edmund de Haſtings, governor of that town and conſtable of its caſtle, to deliver Iſabel the widow of John late earl of Buchan, to Henry de Beaumont, to whom the king had given particular orders for guarding her. March 14. Rymer, ib. 407.

Edward Brus, king Robert's brother, emulous of the glory of Douglas and Randolph, laid ſiege to the caſtle of Stirling, and carried it on with great aſſiduity and courage; but the extraordinary ſtrength of that fortreſs, and

* On St. Brice's Day, Nov. 13. M. M.

† The Cowpar and Perth MSS. of Fordun, have Marchemond inſtead of Roxburgh. Ford. l. ii. p. 245. Not.

‡ Barbour calls him Gilmyn de Fynys. Barbour relates, that Douglas and his company had covered their armour with black frocks, and creeping in the neighbourhood of the caſtle on all four were taken by the centinels of the garriſon for cattle. The maker of the ladders and the firſt who mounted them, was Syme of the Leadhouſes, who was alſo the meſſenger ſent to king Robert with tidings of the caſtle being taken. Leland's extract from Scal. Chron. calls the governor of Roxburgh, Gilleminge de Fenigges knight and Burgundian, (Chevaler and Burgonion.) Lel. Coll. i. 546.

§ The keeper of Edinburgh caſtle and ſheriff of the county, was Pers Lelande, who, according to M. Malm. betrayed the caſtle to Robert Brus, and entered into his ſervice; but Robert afterwards ſuſpecting him of treachery, condemned him to be hanged and drawn. M. Malm. p. 145. Lel. Coll. ii. 546.

Edward II. K of England. 1313. the proweſs and vigilance of ſir Philip Moubray its governor, defeated all the efforts of the beſiegers. Edward therefore came to an agreement with Moubray on Midſummer's Day, that if the Engliſh did not relieve it before the expiration of a twelvemonth from that day, it ſhould be delivered to his brother the king of Scotland *.

Edward having affairs to ſettle with the king of France reſpecting the dutchy of Aquitaine, and being invited by that monarch to come over, together with his queen, to be preſent at the ſolemnity of conferring knighthood on Philip's three ſons, of whom Louis the eldeſt was king of Navarre; the Engliſh king and queen croſſed the ſea from Dover in the end of May, and remained in France till the middle of July. Edward there took the croſs for an expedition to the Holy Land, along with the king of France and his ſons; and a cloſer friendſhip than had before ſubſiſted, was now cemented between the monarchs. To obtain ſome quiet to Edward's kingdom during his abſence, Philip had in May ſent envoys both to the courts of England and Scotland, to ſolicit and aſſiſt in negociating a truce; for treating of which, Edward named as his commiſſioners Robert de Umfranville earl of Angus, and three others.

Rym. iii. 347, 348. Dan. iii. 347, 348. Rym. ib. 410, 412.

It is probable, that this truce hindered any remarkable inroads into England during this year; but it did not prevent Robert Brus from reducing the Iſle of Man, the lordſhip of which he conferred on his nephew Randolph; and it is ſaid, that by invading this and other iſlands he trained his men to fight on foot, which proved of the greateſt uſe to him in his great battle with the Engliſh in the following year. Edward, after his return from France, either diffident of the Scots keeping the truce, or that he might be prepared to reſiſt an invaſion which he had no doubt of their making, immediately after the truce expired, aſked loans of money from his clergy both ſecular and regular, to enable him to defend his kingdom. Soon after, he held a parliament, in which he perfected the work of reconciliation with his great lords. Pardons were given to all who had been concerned in the deſtruction of Gaveſton; and the parliament granted a ſupply of a twentieth from men of eſtates in land, and of a fifteenth from burgeſſes, for carrying on the Scottiſh war.

Ford. l. 12. c. 19. not.

Carte, ii. 332.

The Scots who adhered to Edward, were now brought to the greateſt diſtreſs by the continued ſucceſſes of their enemies. They alſo laboured under grievances from the oppreſſions of ſome of Edward's miniſters or officers. To repreſent their ſufferings and ſolicit aid and relief, the earl of Dunbar and Adam Gordon, came, in the beginning of Winter, to the court of England. Edward immediately gave orders for remedying the abuſes of his officers, and enforced his earneſt exhortations to his people of Scotland, to perſiſt in their loyalty, by giving his promiſe to be at Berwick about the Midſummer of the enſuing year, with an army ſufficient for effecting their relief.

Rymer, iii. 463.

A. D. 1314. In an Engliſh parliament that met in the firſt months of the following year, the king refuſed the demand of the lords Ordainers, to put in execution cer-

* This agreement is mentioned in the order of Edward to ſheriffs and others, May 27, 1314. Rym. iii. 481.

tain

tain articles which entrenched on his authority; for which reaſon the earl of Lancaſter *, and ſome other nobles of his faction, did not accompany the king in his Scottiſh expedition. The king, however, firm in his purpoſe to make good his promiſe to his Scottiſh ſubjects, and to relieve his faithful garriſon of Stirling, prepared diligently for his expedition both by ſea and land. He ſummoned the Iriſh chiefs, to bring their men to his ſervice under the earl of Ulſter. The command of his fleet, to be employed in the expedition, he gave to John Shermy and Peter Bard, and in the end of March he appointed Aymer de Valence earl of Pembroke, long experienced in the wars of Scotland, to be his guardian and lieutenant in that kingdom, until he ſhould arrive there in perſon †.

Robert Brus, K. of Scotland. 1314.

March 22. Rym. ib. 475, 6, 7, 8.

As Edward's chief object in this expedition, was the relief of Stirling-caſtle, Robert Brus, animated by his paſt ſucceſſes and confiding in the bravery of his troops, reſolved, for preventing this relief, to hazard a battle. But, not leſs wiſe than bold, he employed, where ſo much was at ſtake, every precaution to ſecure a proſperous event. In particular, he reſolved to avail himſelf of an advantage which he perceived given him by the nature of certain grounds lying near the caſtle, and juſt on Edward's way to it. Theſe grounds were remarkably commodious for poſting the Scottiſh army, greatly inferior in numbers, and eſpecially in horſe, to that of the Engliſh. About the end of May, Edward having received intelligence of Robert Brus's purpoſe to await him on this ground, ſent orders to the ſheriffs and others having authority in ſeveral counties of England and in Wales, commanding them, under the higheſt penalties, *to urge, haſten, and compel*, bodies of able footmen from each of their diſtricts to march towards him ‡, ſo as to be at Wark on the tenth of June, ſufficiently armed and prepared to march thence againſt the king's enemies, and for reſcue of Stirling-caſtle. Thoſe bands of foot, which the king did now with ſo much earneſtneſs call for, ſhould, if former orders had been obeyed, have been with him ſome days before theſe laſt orders were iſſued §.

May 27. Rym. ib. 481.

On the ſixth or ſeventh day before Midſummer, Edward ſet out for Berwick with an army of about 100,000 men ‖. As this army could draw no ſupplies from

Mon. Malm.

* Beſides Lancaſter, Walſingham mentions Warwick, Arundel, and Warren.

† Orders are given to Ralph Fitz-William, keeper of Berwick upon Tweed, and to all men at arms, whether horſe or foot, within its fortifications, to be *intending* and obedient to ſaid guardian. Rym.

‡ Edward's information was, that 'the Scots were aſſembling a great army of foot in ſuch 'ſtrong and mooriſh places on his way to the caſtle of Stirling, as would be of difficult acceſs to 'horſe, and made the aſſiſtance of able-bodied footmen requiſite.' Rym.

§ The whole number of theſe footmen was 21,830; whereof there were 4000 from Yorkſhire, 2500 from Northumberland, biſhopric of Durham 1500, Nottingham and Derby 2000, &c. Rym. ib.

‖ According to Barbour, Edward had above 100,000 men, of whom 40,000 were horſe; and of theſe (*a*), 3000 having complete armour for horſes and men, (with helyt horſe in plate and mayl, Barb. 226.) were to be placed in the front of the battle. Of archers, there were 52,000. Theſe arriving at their rendezvous at Berwick, were partly lodged within the town and partly in tents

(*a*) The Monk of Malmeſbury ſays, that of the Gens d'Armes there were more than 2000.

without

Edward II. K. of England. 1314.

from a country desolated by war, and at this time purposely evacuated of every thing, a great multitude of carriages were requisite for provisions and baggage, in so long a march *; but the number of carriages, as the Scotch authors relate, was much increased by many implements of luxury and splendour, which soon afforded a rich spoil to the conquerors. On the evening of Sunday the twenty-third, the van of the English coming up to the Scots in their strong post nigh Stirling, there was a rencounter, wherein the Scottish king killed sir Henry Bohun, by cleaving his head with a battle-ax. A party also of English *horsemen* (*a*), under the lord Robert Clifford, who were endeavouring to pass by the Scottish army, forced their way to the castle, were attacked by a body of spearmen under the earl of Murray, and, after a sharp conflict, put to the rout †.

Barbour 238,—246.

(*a*) Men of arms. (Leland.)

These successes on the eve of the day of battle, gave animating hopes to the Scots of the happy event of the day itself. Robert, with his lords and chieftains, failed not to improve them for that purpose; nor did they omit any means to inflame the martial ardour of their followers, and at the same time to procure every solid advantage that served to ensure victory. By fasting, prayers, and confession, on the Sunday, and by receiving mass on the morning of the day of battle, they were prepared, if they could not conquer, to fall as martyrs for their country. The danger of all ranks of persons in the army was as much as possible made equal, by all fighting on foot. The leaders, Randolph of the van, Edward Bruce of the right wing, sir James Douglas of the left; and of the rear the king himself ‡, to direct the whole, and give aid wherever he saw it needful; were all persons of the most approved military skill and valour, and of course possessed the entire confidence of the army. The

without it. They were divided into ten bodies of ten thousand each, with captains of approved valour at their head. The earls of Gloucester and Hereford led the van. Besides these, there was a body commanded by the king in person, whereof the chiefs under him, were sir Giles d'Argentein and sir Aymer Valange, i. e. Aymer de Valence earl of Pembroke. Having thus divided his army, he began his march from Berwick, (Barb. p. 227. l. 119.) covering a great tract of country which shone with arms and ensigns. The rendezvous appointed by Robert Brus for his men was the Torwood, where there were assembled more than 30,000 fighting men. (Ib. 33, 34.) These he divided into four battles, and conducted them on the Saturday before the battle, to the place he had chosen on account of its natural strength and of its situation with regard to the castle, the English being obliged to pass thither either close by it or through a morass.

* The multitude of carriages, if extended in a line, would have occupied the space of sixty leagues. M. Malm. He adds, that the whole company confessed, that such an army had not in our time gone out of England, p. 147.

† Barton sings, *Dira dies solis pandit primordia molis.* Neither Boece nor Buchanan mention this skirmish on the Sunday, but confound its events with those of the great battle.

Lel. Coll. i. 546.

In Lell. Col. this party is said to consist of 300 under Clifford and Henry Beaumont. In this rencounter, the same author says, that William Dayncourt knight was slain, and Thomas Gray taken.

Mon. Malmesbury says, that in this skirmish the earl of Gloucester was thrown from his horse.

‡ Each of them was furnished says M. Malm. with a light armour, that a sword could not easily penetrate. They had an ax at their side, and carried lances in their hands. Their forces moved also as thick as an hedge, p. 149.

According to Holingshed in Hist. Sc. Thomas Randolf and James Douglas, captains of the Fore-Ward, had under them 7000 of the borderers, and 3000 of the Irish Scots, otherwise called Katerans or Red Shanks; these no less fierce and forward, than the other provident and skilful.

ground

Robert Brus, K. of Scotland. 1314.

ground on which they were drawn up, by high rocks on one ſide, a moraſs on the other, and the rivulet of Bannockburn in their front, afforded a ſtrong defence againſt the attacks of the Engliſh horſemen, ſo formidable for ſtrength and numbers; and where theſe natural advantages were wanting, pits were dug in the ground, ſharp ſtakes fixed in them, and the mouths of the pits ſo well covered with turf and ruſhes, that the Engliſh could not perceive them, till they gave way under the weight of their horſes *.

The Engliſh army being on Midſummer eve at ſo ſmall a diſtance from their enemies, were, from the hazard of an attack in the night, obliged to paſs it ſleepleſs, under their arms †; which made a great addition to the toil of their march from Berwick. The more experienced Engliſh commanders were of opinion, that the battle ſhould be poſtponed, and the army allowed to *reſt* and refreſh themſelves on the following day, eſpecially as it was a high feſtival; but the king hearkening to the younger and more forward, who were alſo irritated by the affront and loſs juſt related, and thinking his honour deeply concerned to raiſe the ſiege of the caſtle of Stirling, reſolved to give battle on the morrow.

In the Engliſh army, the foot, conſiſting of ſpearmen and archers, were placed in the van, and the horſe at ſome diſtance backward, on the wings. In the beginning of the battle the conflict was fierce, and ſuſtained with much vigour on both ſides. The earl of Glouceſter, whoſe corps was attacked by ſir James Douglas, ſeeing the Engliſh ſhaken, and being impatient of a doubtful battle, ruſhed, with ſome of his knights accompanying him, on the thickeſt of the enemy. But the Scots repelling the attack with great vigour, the earl was beaten down from his horſe, overwhelmed by a ſurrounding multitude of foes, and ſlain ‡. The covered pits, the effect of which was ſoon manifeſt, deterred or fruſtrated the efforts of his knights to reſcue him §; and ſome of them ſhared the fate of their lord. Sir *Giles d'Argentein* ‖, a knight.

Walſ. Hiſt. 105. M. Malm. p. 149. J. de Trokſtowe, p. 25.

* *Machina plena malis pedibus formatur equinis,*
Concava cum palis, ne pergant abſque ruinis. Barton.

† One Alexander Seton a Scot, who was in king Edward's hoſt, came over privily to Robert Brus in the night-*time*, and told him, that if he began the attack early in the morning, he ſhould eaſily overcome the Engliſhmen. Lel. Coll. i. 547.

‡ Others ſay, that the earls of Glouceſter and Hereford contending for the honour of leading the van, the former ſprung forth from the Engliſh hoſt, and not being in time followed and ſupported by his knights, was overwhelmed and ſlain. M. M. 150.

§ The Monk of Malmeſbury curſes the earl of Glouceſter's knights, *(confundat eos Dominus)* for giving ſuch ineffectual aid to their lord. The number of them, he ſays, was five hundred, twenty might have ſaved their maſter, p. 149, 150. The earl of Glouceſter was ſlain, on a horſe of high price preſented to him, as he marched northwards, by Richard de Kelaw biſhop of Durham; who, on this occaſion, regained the king's favour by the gift of 1000 merks, together with that horſe. Ang. Sac. i. 756. Barbour ſays of Glouceſter.

He was the third beſt knight perſay,
That men knew living in his day. Ib. p. 273.

‖ *Ægidius de Argenteyn, miles ſtrenuus et in re militari multum expertus, dum frænum regis regeret, et caſum comitis aſpiceret, &c.* Mon. Malm. 150. In Leland's Collectanea, he is ſaid to have come of late from the wars of the Emperor Henry of Luxemburgh, 547. Boethius ſays, that Robert Brus knew him well, and expreſſed ſuch regret of his death as offended his nobles. Barton.

Edward II. K. of England. 1314.

a knight of great renown, who, with the earl of Pembroke, commanded the Gens d'Armes that guarded the king, advanced boldly to reſcue Glouceſter, but he alſo fell in the attempt. A ſimilar fate had Robert de Clifford, (a) *Payen de Tibetot*, William Mareſchal, Edmund Mauley, and other eminent warriors. By the fall of men ſo conſpicuous for rank and proweſs, the Engliſh army was not a little intimidated and weakened. The baggage men of the Scottiſh army increaſed the dread of their adverſaries, by drawing up in martial array on ſome high grounds behind the army, and diſplaying the reſemblance of banners by pieces of linen waving on the ends of ſpears. The Engliſh archers, who ſo often determined victory on the ſide of their countrymen, are ſaid to have been attacked in flank, and diſperſed by 500 Scottiſh horſemen, armed in ſteel and mounted on light horſes, having at their head ſir Robert Keith the marſhal of Scotland.

(a) al Pagan Tiptoſt.

Barbour.

Theſe circumſtances engaged thoſe who were about the king, to entreat him to conſult his ſafety by abandoning the field, which he did, with the utmoſt reluctance. He firſt moved towards the caſtle of Stirling, the governor of which would not receive him, becauſe he had ſtipulated, if not relieved that day, to ſurrender his caſtle to the Scottiſh king. The royal ſtandard's moving from the field, was followed by the univerſal rout and diſſipation of the Engliſh army *; of which conſiderable numbers were, in their precipitate flight, drowned in the rivulet of Bannockburn †, and in the river of Forth, beſides thoſe who were ſlain and made priſoners; and of theſe the numbers would have been much greater, if the Scots, inſtead of purſuing, had not inſtantly fallen to plunder the baggage and ſtores of their enemies; by which many of them were enriched. Of the Scottiſh army only two knights are ſaid to have been ſlain, William Vipont and Walter Roſs.

The king, accompanied by a ſtrong body of horſe, directed his flight towards Berwick. Sir James Douglas purſued him, but with ſuch inferior ſtrength, that he could only haraſs him, and ſeize thoſe who fell off from his company. The king, however, took ſhelter for his own perſon in the firſt place of ſtrength that was friendly. This was the caſtle of Dunbar, whoſe lord was ſtill on the ſide of England ‡. From Dunbar he was conveyed by ſea to Bamburgh, or Berwick. It is certain, he was at Berwick on the third day after the battle; for on that day, he iſſued from that place a proclamation, informing his ſub-

June 27.

Barton celebrates the fall of D'Argenteyn with a particular pathos;

Nobilis Argentin, pugil inclite, dulcis Ægidi,
Vix ſcieram mentem, cum te ſuccumbere vidi.

He alſo mentions the others that are named in the text.

* Two hundred knights and more, who had not drawn their ſwords, nor given a blow, were turned to flight. Mon. Malm. 151.

† The Monk of Malmeſbury ſays, that many of them were ſwallowed up in the ditch of Bannockburn. Barton ſays, *Multi merguntur*, and another, *Forth ſepelit multos armis et equis bene cultos.* And *Bannock habet limus quorum nec nomina ſcimus.*

‡ He ſoonafter forſook the Engliſh intereſt; for, in the ninth of Edward's reign, Henry de Percy obtained a grant of all thoſe fees in Northumberland, which the earl had forfeited by his rebellion. Dugd. Bar. i. 273. The lord Percy, to whom this grant was made, was a youth of ſixteen years, who had the year before ſucceeded to the honours and great eſtate of his father. The earl of Dunbar died in 1315, or 1316, and was ſucceeded by his ſon Patrick. Doug. Peer. p. 440.

jects

jects that he had loſt his privy ſeal *, and warning them not to regard any orders that ſhould appear under it, unleſs ſuch orders were otherwiſe confirmed, or were evidently for the king's honour and intereſt. Robert Brus, K. of Scotland. 1314.

The caſtle of Bothwell being ſtill in the hands of the Engliſh, Humphrey de Bohun earl of Hereford fled to it; but the caſtle was ſoon yielded to Edward Brus, and Hereford made a priſoner, with others who, had taken refuge in the ſame. John de Segrave, Maurice de Berkely, John de Giffard, John de Wilyngton, with twenty-two other barons and bannerets, and ſixty-eight knights, were taken, and paid great ſums for their ranſom. Seven hundred gentlemen were miſſing after the battle, of whom it afterwards appeared that far the greateſt part of them were priſoners. The rout of the Engliſh was indeed very entire; but neither the number they brought to the field, nor the loſs they ſuſtained, appears to have been nigh ſo great as the Scottiſh writers repreſent them. Stirling was, on the day after the battle, rendered to the Scottiſh king. Moubrai the governor became his vaſſal, and ever after ſerved him faithfully; and the caſtle was demoliſhed. By this victory, ſtability was given to Robert's throne; and an aſcendant gained by the Scots, which rendered them terrible to the Engliſh during the ſequel of the war between the nations.

The Scottiſh king ſhewed great moderation in the uſe of his victory. He treated the priſoners with humanity, and took care that the bodies of perſons of rank who had fallen in the battle, ſhould be decently buried. He freely ſent to Edward while at Berwick, the bodies of the earl of Glouceſter and lord Robert Clifford; and, on account of a perſonal friendſhip which had formerly ſubſiſted betwixt him and the lord Ralph de Mounthermer, who was huſband to the counteſs of Glouceſter, the king's ſiſter, he ſet that lord at liberty without ranſom †.

Edward ſoon retiring to York, where he reſided for ſeveral months after his unfortunate expedition into Scotland, was viſited by Lancaſter and others of his haughty barons; not to aid or conſole him, but to make their advantage of his neceſſities. The younger D'Eſpenſer, the favourite, was obliged to abſcond; and the court was new modelled, according to the pleaſure of the prevailing faction. After having thus provided for their own power, they granted, in a parliament which met at York in September, a ſupply for the Scottiſh war, of a fifteenth from the counties, and a tenth from the burghs and demeſne towns. Carte. Mon. Malm. p. 154.

But while the conſternation of the Engliſh from the defeat at Bannockburn was recent, and Edward with his counſellors and barons were providing ſlowly and ineffectually for the defence of their country, the victorious Scots, under the lord Edward Bruce, ſir James Douglas, and other leaders, invaded Tyrrel from Chr. Lan. p. 262. Walſ. p. 106.

* The continuator of Trivet calls this ſeal *Regis Targia*, whereof Maſter Roger de Northburge was keeper, and from whom, being made a priſoner, it was taken away; for which reaſon the king ſoon after cauſed make a ſeal, appointing it to be called his *Privy Seal*, to diſtinguiſh it from the Targia, *(ad differentiam Targiæ)* which was taken away in the manner above related. Nic. Triv. Cont. p. 15.

† By this lord the king's privy ſeal, that had been loſt in the battle, was brought back to him.

England

Edward II. K. of England. 1314.

England on the ſide of Berwick, carried their ravages through all Northumberland, and obliged the inhabitants of the biſhoprick of Durham, to pay a great ſum to ranſom themſelves from the like deſtruction. They penetrated thence into Richmondſhire, from which they carried a great booty of cattle and many priſoners; and returning by Swaldale, burnt Appleby and other towns in thoſe parts: and while the Engliſh parliament was aſſembled at York, a freſh band of marauders entered England by Redeſdale and Tindale, and advanced into Gilleſland; obliging the inhabitants to ſwear allegiance to the king of Scotland, and to pay him tribute, whereof 600 merks were paid by the county of Cumberland in the ſpace of ſix months. It is related by an Engliſh hiſtorian, that the Engliſh ſince the late battle were ſeized with ſuch a dread of the Scots, that one hundred of the former would fly at the appearance of two or three of the latter; and that many of the Engliſh who dwelt nigh the marches, wearied out with their ſufferings, and deſpairing of protection from their own king, abandoned their country, and confederating with the Scots, became companions and guides of their incurſions into England, and ſharers with them of the ſpoils of their unhappy countrymen.

Walſ.

While Edward was at York, he at once gratified his own nobles, and made a return for Robert Brus's humane uſe of his victory, by conſenting to reſtore Robert's wife and daughter, who had been long priſoners in England, in exchange for the earl of Hereford *. Chriſtian, Robert's ſiſter, Donald earl of Mar, and Robert biſhop of Glaſgow, now become blind, were at the ſame time given in exchange for other Engliſh priſoners, the king quitting the ranſom to which he was entitled for the former. Robert Brus gave a farther proof of moderation amidſt his proſperity, by declaring in a letter to Edward, 'that the thing in the world he moſt deſired, was to have perfect 'accord and friendſhip with the king of England;' requeſting him, at the ſame time, to ſend a ſafe conduct for four of his (Robert's) knights, whom he deſigned to ſend into England, with propoſals of peace and power to treat concerning it. Edward, in compliance with this requeſt, granted the Scottiſh knights a ſafe conduct as far as Durham; and in the following month, a like protection was given to a new ſet of Scottiſh commiſſioners, with whom Edward appointed Pickering dean of York, and four Engliſh knights, to negociate either a truce or perpetual peace. This appointment was made by Edward, at the requeſt of Philip the Fair king of France; which requeſt was the laſt act of mediation on the part of the French monarch in the tranſactions between Scotland and England, for he died in the following month: and Edward, as before, complied with it, as coming from his deareſt father and friend, but 'who in no reſpect accounted himſelf an ally of Robert Brus or 'the Scots.' Edward, in the orders iſſued by him with regard to theſe matters, gives Robert the deſignation of *Sire Robert*, and calls his ſubjects, *the other people of Scotland with whom he was at war*; and what no doubt chiefly marred the work of peace between theſe two potentates, was Edward's ſteadineſs in

Rym. ib. 495, 497, 498.

* The Monk of Malmeſbury ſays, that the king's ſiſter, Elizabeth, lamented the captivity of her huſband the earl of Hereford; on which account the king made her a preſent of all the Scottiſh priſoners; in exchange for which, the liberty of her huſband was obtained. M. Malm. 155.

refuſing

refuſing to acknowledge Robert as king of Scotland, while Robert, with equal firmneſs, perſiſted in claiming this title. Robert Brus, K. of Scotland.

In the beginning of the following year, a parliament met at Weſtminſter, which granted the king a twentieth part of their moveables; on the credit of which, Edward requeſted loans of money from the abbots and priors of convents, to enable him to make proviſions for men at arms, to be ſent both by land and ſea againſt the Scots. This parliament endeavoured to remedy a very grievous dearth of proviſions, by fixing rates for all the different kinds of them; but as the evil was found to be increaſed by this regulation, it was repealed in the following year. As Scotland felt this ſcarcity ſtill more ſeverely than England, a quarter of wheat being ſold there for 100 ſhillings; ſquadrons of ſhips commanded by John de Botetourt and others, were employed on the eaſt and weſt coaſts of the iſland, to hinder any ſupplies from being conveyed to the enemy, and prohibitions were iſſued under the ſevereſt penalties to carry into Scotland victuals of any kind. A. D. 1315. Tyrrel, iii. 263. Carte, ii. 336. March 15. Rym. iii. 511, 512. Mon. Malm. p. 157.

The prelates of York and Durham, and ſeveral of the northern barons, were excuſed from their attendance on this parliament, on account of a new invaſion threatened by the Scots. This inroad was made in the beginning of the ſpring. The invaders entering by the weſtern march, penetrated into Yorkſhire and the biſhoprick of Durham, deſtroying every thing in their way. In this incurſion they plundered Hartlepool; the inhabitants ſaving what part of their goods they could on board the ſhips in their harbour; while the other inhabitants of the county were glad to purchaſe a truce. Rym. ib. 506, 507.

The attention of the Scottiſh king, in the beginning of this ſummer, was engaged by matters of the moſt ſerious nature. Having no iſſue but his daughter Margery, lately releaſed from her captivity in England, he made a ſettlement of his crown in a parliament held at Air, in the end of April, on his brother Edward and Edward's male heirs, in caſe of himſelf dying without male iſſue. To this the king's daughter gave her conſent, and all his nobles their ſanction; the ſettlement ſerving at once to gratify the ambition of Edward Bruce, and, on the event of Robert's dying while the war with England continued, to provide an able defender for the kingdom. But the remote proſpect of a crown not contenting Edward's unquiet and aſpiring temper, he embraced the invitation given him by the Iriſh, who groaned under the yoke of England, to paſs over into Ireland, to be their leader in attempting to ſhake it off; for which the royal dominion over that iſland was promiſed as his reward. Robert conſented to this enterpriſe, and to enable his brother to carry it on, gave him a body of 6000 of his beſt men, together with ſeveral of his moſt eminent captains, among whom was Randolph earl of Murray. Edward had at firſt great ſucceſſes, and was, with the concurrence of great numbers of the Iriſh, crowned their king. The diſtreſs of England was thus extended and increaſed, and a powerful diverſion made from the proſecution of the Scottiſh war. Ford. l. 12. c. 24.

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1315. Rym. ib. 516, 523.

About Midſummer the king of England was at Berwick; the keeping of which town and caſtle he had, in April laſt, committed to Maurice Berkeley *, who was appointed ſucceſſor to Simon Ward. From Berwick he iſſued his ſummons to his barons to be, with their military ſervice, at Newcaſtle on the fifteenth of Auguſt, to oppoſe a new invaſion which the Scots threatened. But returning ſoon to London, he appointed Aymer de Valence earl of Pembroke his lieutenant over all the country between the river Trent and Roxburgh: and all the fighting men of that country were ordered to attend him at Newcaſtle, and obey his commands, on eight days warning †. Walſingham relates, that when the king marched into Scotland, on the eve of St. Laurence, bread could ſcarcely be found for the ſuſtenance of his family ‡; and it is probable that this extreme ſcarcity was the cauſe of the king's ſpeedy return to London, and defeated the project of the intended expedition againſt the Scots.

Hiſt. p. 107. Aug. 9.

Carte, ii. 328. Chr. Lan. in Tyrrel, p. 264. Mon. Malm. p. 157.

Robert Brus, however, was not hindered by the famine, or by the preparations on the part of England, from entering it with a great army by the weſt march; where, after committing the uſual ravages in the open country, he laid ſiege to Carliſle. This city was bravely defended by its governor Andrew de Hartcla; whoſe activity and courage in repreſſing the Scots marauders, and making ſome inroads into Scotland, had incenſed the Scottiſh king, and made him more eager to ſucceed in his enterpriſe againſt Carliſle. He continued the ſiege ten or eleven days §, both employing engines and making aſſaults; but having loſt a conſiderable number of men, and hearing that the earl of Pembroke approached with a great force, while a report alſo prevailed in England, that Edward Brus's army had been routed and cut off, and himſelf killed, in Ireland, Robert raiſed the ſiege; and in his retreat had ſeveral of his men killed and wounded, and others taken priſoners ‖. The reſolution

Rym. iii. 536.

* The Monk of Malmeſbury, on the occaſion of this appointment of Berkeley to be governor of Berwick, deſcribes the place, 'A ſtrong and well walled town, ſituated on the ſea, in the beginning of Scotland, convenient for merchants in the time of peace; which, without treachery, can never become ſubject to Scotland. It does not fear a ſiege, while ſuccoured by England. For the Engliſh ſhips ſail round all the land *(terram)*; and excel in the art of ſailing, and in naval engagements. Whence, though all Scotland ſhould attack Berwick, it has nothing to fear on the part of the ſea.' *Si tota Scotia Berewyk invaderet, a parte maris timeri non oportet.* Should the pointing be *Si tota Scotia Berewyk invaderet a parte maris, timeri non oportet?*

† He probably means, to be preſent at the expedition which was to have been made into Scotland at that time.

‡ The Monk of Malmeſbury, writing in this year, ſays, that laſt year there was ſuch exceſſive rain, that the grain could ſcarce be reaped or ſtored in barns *(vix licuit frumenta colligere vel horreo recondere)*, and in the preſent year it has been ſtill worſe; for the inundation of rain deſtroyed almoſt all the ſeed, and in many places the hay has been ſo long covered with water, that it could neither be mowed nor got in. The ſheep have alſo generally periſhed, and other animals been cut off by a ſudden diſtemper *(ſubitâ peſte)*. M. M. p. 161.

§ At this time, ſays an ancient writer in Leland's Collect. i. 24. James Douglas did much miſchief at Egremont, and ſpoiled the church of St. Bega, &c. Carliſle (ſays Mon. Malm.) was always odious, was always formidable, to the Scots; often withſtood their incurſions, and often hindered their flights. M. M. 157.

‖ Tyrrel, from Chr. Lan. ſays, that lord Murray and Bardolph were taken priſoners; but Randolph, earl of Murray, was then in Ireland.

and

and good conduct of Hartcla on this occaſion, determined the king of England to commit to him, until the following Midſummer, the cuſtody, not only of Carliſle but of all the adjacent country; and to command the inhabitants of the counties of Cumberland, Weſtmorland, and Lancaſter, to give him their attendance and obedience. The repulſe ſuſtained by the Scots at Carliſle, did not diſcourage them from an attempt to take Berwick, by means of ſome ſhips wherewith they entered the river; but being diſcovered by the Engliſh, they were repelled with loſs. Robert Brus, K. of Scotland. 1315.

In November the king ſent his couſin the lord Henry Beaumont and Adam de Winburn towards the march of Northumberland, with forces of horſe and foot, to repel the Scots, and required the biſhop of Durham to raiſe his men to join them. He, at the ſame time, charged that prelate to forbid any of his people to make ſeparate truces with the Scots. The calamitous and helpleſs ſtate of the inhabitants of the northern counties had driven them into this expedient; which, for the ſake of an interval of quiet and ſafety to themſelves, laid them aſide from joining with others in the defence of their country. In oppoſition to ſuch pernicious contracts, the king declared, that every truce ought to be concluded by the common aſſent of the wardens, conſtables of caſtles, and communities of the counties of the march, for all and each perſon of theſe counties; nor was the agreement to be valid, until its conditions and duration were notified to the king, and obtained his ſanction. For farther ſecuring the Northumbrian march, the biſhop of Durham granted his caſtle of Norham to be garriſoned by the king until the following Midſummer; and Edward engaged to ſave the biſhop, his ſucceſſors and church, from any prejudice that might ariſe from this compliance with his requeſt. Soon after, Edward gave ſimilar aſſurances to his ſubjects of Gaſcony, that they ſhould not be prejudiced in future, by the ſupplies they had, of their ſpecial favour, granted to him for his war againſt the Scots. Rym. ib. 541, 545.

In the Engliſh parliament, which met at Lincoln in the beginning of the following year, there was granted to the king, for the Scottiſh war, an able footman out of every village or hamlet. Market towns were to ſend more, according to their magnitude and wealth. The pay of each man was a groat a day for ſixty days; at the expiration of which, if they continued in the ſervice, they were to receive payment from the king. Inſtead of theſe men, the cities, burghs, and towns of royal demeſne, gave the king a fifteenth of their goods, and the counties a ſixteenth. In this parliament the earl of Lancaſter had the aſcendant, and was placed at the head of a council that ordered all public affairs, and particularly thoſe relating to Scotland. He was alſo created the king's lieutenant, and general of the army which was to be employed this year againſt the Scots ‡. A. D. 1316. Carte Rec. ib. 336. Tyrr. iii. 266, 267. M. M. p. 166.

It was probably owing to this aſcendant of Lancaſter, and to a ſecret intelligence between him and the Scottiſh king, that nothing of moment was this

‡ The king, on March 14, writes from Clipſton to a lord of Aquitaine, that certain prelates, earls, &c. of the king's council, were named, and deputed to treat and finally ordain concerning the affairs of Scotland; but that theſe deputies, who were then at London, had not yet come to a final reſolution. Rym. ib. 555.

Edward II. K. of England. 1316. Rym. ii. 553, 557.

year performed by the Engliſh on the ſide of Scotland; although the faireſt opportunity ſeems to have been given by an expedition that Robert Brus made in perſon into Ireland, at the head of thirty thouſand men, to aſſiſt his brother Edward, whoſe progreſs in ſubduing that country was not anſwerable to his firſt ſucceſſes. Negociators of a truce or peace with Scotland were nominated in February, and alſo in April; and it ſeems probable that Robert agreed to a ſuſpenſion of hoſtilities, that he might be more at leiſure to prepare for his Iriſh expedition. The rendezvous of Edward's military ſervice, which had in February been appointed to be at Newcaſtle, fifteen days after Midſummer, was by a new proclamation, iſſued in the end of May, prorogued to the fifteenth of Auguſt; and in the beginning of Auguſt the king came in perſon to York.

Rym. ib. 568. Carte, ii. 311.

Edward was attended at York by a number of his prelates, earls, and great men; but Lancaſter and others of his faction were abſent. The king, by the counſel of thoſe who were with him, ſummoned the abſentees to bring their military ſervice to Newcaſtle, eight days after Michaelmas, to repreſs the Scots; who, beſides other exceſſes of all kinds, had put under tribute the holy church and the king's people. This ſummons was enforced by a notification that the king, by the advice of his counſellors preſent with him, had reſolved to ſeize into his hands the lands and goods of ſuch as refuſed to give the attendance required; until the great council of the nation ſhould ordain a ſuitable puniſhment. At the ſame rendezvous, all who had land worth 50 l. or upwards, in the counties on the north of Trent, were ſummoned by proclamation to be preſent; under the penalty of having their lands ſeized a fortnight after, if they diſobeyed.

The devaſtations referred to in the abovementioned orders, were committed in an inroad made by the Scots about Midſummer, under Robert Brus, before he ſet out on his expedition to Ireland. He firſt penetrated as far as Richmond; where the gentlemen of the neighbourhood taking refuge in the caſtle, made the beſt compoſition they could, for ſaving the town and adjacent country from farther deſtruction. The Scots then directed their courſe through the weſt of Yorkſhire; waſting the country for about ſixty miles, and carrying off many priſoners. Theſe deſolations of war increaſed the ſcarcity and dearth which had ariſen from a ſucceſſion of deſtructive ſeaſons, ſo that a quarter of wheat was ſold in the north of England for *forty ſhillings*; and the Northumbrians were driven to the neceſſity of eating the fleſh of dogs and horſes, and other unclean things.

M. M. p. 167. i. e. 61.

It is probable that this deſtruction of the northern parts of England, with the extreme ſcarcity that prevailed in them, co-operated with the treachery of Lancaſter, to hinder a ſufficient exertion of the power of England againſt the Scots, during Robert Brus's abſence in Ireland. Nor is it credible, that ſo prudent a prince as Robert would have engaged in that expedition, if he had not known that Scotland was ſecure from any formidable attack of his enemies, while he was abſent. That he had a ſecret intelligence with Lancaſter, or courted his friendſhip, appeared from his ſparing, in his incurſions, the eſtates which Lancaſter had, nigh the march; and Lancaſter, it is probable, wiſhed

Ford. l. 12. c. 25.

to

to eſtabliſh Robert Brus on the throne of Scotland, for the ſake of obtaining his aid againſt his own ſovereign, whoſe reſentment for the deſtruction of Gaveſton he continually dreaded. He provided, however, in the beſt manner he could, for the defence of his marches, by giving the charge of them to the faithful and valiant lord Douglas *. Robert Brus, K. of Scotland. 1316.

The Scottiſh writers relate, that Douglas, during the king's abſence, repelled ſeveral bodies of the Engliſh, who attempted to penetrate into Scotland; and that in *three* ſharp conflicts he ſlew, with his own hand, as many noble captains of his enemies. Two of theſe commanders were, Edmund de *Kylaw* †, a Gaſcon, who was captain of Berwick, and Robert Nevill, both knights. Kylaw had made a ſucceſsful inroad from Berwick into the Mers and lower part of Tiviotdale, and was returning with his booty of goods and cattle; when Douglas, advertiſed by Sir Adam Gordon, who, about that time, forſook the Engliſh, coming forth from his foreſt of Jedburgh, and overtaking the marauders, found their numbers much ſuperior to his own. But valour compenſated the defect of numbers; and Douglas, as he was wont in ſuch hazardous ſituations, ſingling out the perſon of the captain of the adverſe hoſt, ſecured the victory by putting him to death ‡. Soon after, Douglas, routed by the boaſts of Sir Robert Nevill, led his men to the neighbourhood of Berwick, where Nevill commanded a conſiderable body of forces; and in a ſharp conflict met with the ſame fate as Kylaw. His men alſo were routed; and Douglas enriched his followers with the ſpoils of a defenceleſs country §. Ford. ib. Barb. 315, 323. Barb. p. 318.

The Scottiſh accounts add, that the Engliſh, diſcouraged and diſappointed by the proweſs and vigilance of Douglas, in their attempts by land, made a deſcent by ſea, near the iſle of Inchcolm, on the ſouthern coaſt of Fife. Their ſtrength, and the ſurpriſe of their ſudden appearance, intimidated the earl, the ſheriff, and poſſe of the county; but a courageous prelate, Sinclair biſhop of Dunkeld, iſſuing from his manor, in the neighbourhood, accompanied by ſixty choice horſemen, whom he retained in his ſervice, and calling on the men of the country, who were ſtaggering or flying, to follow Aberc.

* According to Barbour, Walter Steward, the king's ſon-in-law, was joined in the command with Douglas. Barb. p. 324.

† In Barbour the ſpelling is Cailow, probably the French Caillou.

‡ Scal. Chron. in Lel. i. 547. ſpeaking of this rencounter ſays, that James Douglas diſcomfited the garriſon of Berwick at Staithmore, it ſhould probably be Scaithmore, commonly pronounced Skamor, where many Gaſcons were ſlain. The ſame author ſays, that Robert Neville's defeat was owing to the treaſon of the marches.

§ Barbour places the conflicts with Cailow and Nevill before Robert's ſetting out for Ireland. He relates another engagement which Douglas had with Thomas earl of Richmond, who commanded on the Engliſh marches, and led ten thouſand men to attack Douglas in Jedburgh foreſt, and provided them with axes to hew down the foreſt itſelf, which was one of the ſecureſt retreats of their enemies. But the addreſs and valour of Douglas, with far inferior numbers, prevailed againſt the Engliſh, and Richmond fell by Douglas's own hand. Douglas had, at that time, with the materials which the foreſt ſupplied, erected comfortable huts for his men, and an habitation for himſelf, on the haugh of Lintalee. Barbour, 334——339. This, from a wrong reading, is in Lel. Coll. i. 547. Lincelly. The captain whom Douglas ſlew, he calls Thomas de Richemont; and ſays, that the earl of Arundel had at this time the chief command on the marches.

him,

Edward II. K. of England.

him, was ſo well obeyed, that the Engliſh were driven back to their ſhips, and many of them killed and drowned.

1316. Oct. 19. Ang. Sac. p. 1. 757. Rym. ib. 581. 605.

While Edward was at York, Richard Kellaw biſhop of Durham died; and the king, moved by the entreaties of the queen to reject the perſon choſen by the convent †, applied to the new Pope John XXII. to promote to this ſee Louis de Beaumont, brother of the lord Henry Beaumont, and treaſurer of the church of Sarum, as a perſon peculiarly fit for defending the marches againſt the Scots. This requeſt being ſeconded by the king of France, was readily granted by the Pope. A commiſſion was alſo given by Edward, before he left York, to conclude a truce with the Scots, from the end of November till Chriſtmas. But this negociation either failed, or the reſpite from war did not exceed the term juſt mentioned; for, on the 20th of December, Edward iſſued an order to his ſheriffs, to give no moleſtation to David de Strathbolgy earl of Athol, with his company, in attacking the king's enemies of Scotland ‡, as the king had given that earl a right to whatever moveables he ſhould take from them; reſerving only to himſelf the privilege of claiming any of the earl's priſoners, on paying him at the rate of 100 merks for each. This earl, for the ſake of increaſing his company, was, in the following year, authorized by Edward to receive to his peace and obedience, thoſe of the earl's men and tenants in Scotland, who had adhered to the king's enemies there, but were now willing to ſerve him under their natural lord.

The papal chair, after having been kept vacant by faction and intrigues more than two years, was filled in the preceding Auguſt, by the election of Pope John XXII. whoſe favour Edward early and effectually ſecured; hoping, by the thunders of the See of Rome, to ſubdue an adverſary, againſt whom a great ſuperiority of temporal force had not been able to prevail. On the firſt day of the year, the Pope, pretending an ardent zeal for the recovery of the Holy Land, to which the wars between Chriſtian princes and ſtates were a grievous obſtruction, emitted a bull, commanding the king of England, and *him who pretended to be the king of Scotland* *, to obſerve, under pain of excommunication, a two years truce, to commence from the time of the

A. D. 1317. Rym. iii. 594. 611.

† Robert de Grayſtanes, the hiſtorian of the church of Durham, ſays, that the queen hearing that the king was about to confirm the election made by the monks, of Henry de Stamford, fell on her bare knees before him ſaying, My lord, I never aſked you before for any of mine; if you love me, take ſuch meaſures as that my couſin Louis de Beaumont be biſhop of Durham. The ſame hiſtorian ſays, that he was of the blood of the kings of France and Sicily. ib. p. 760.

The Beaumonts, lord Henry, and Louis the biſhop, the former of whom became very great and conſpicuous in the courſe of this reign, and in the following, are ſaid to have deſcended from Louis, ſon to Charles earl of Anjou, a younger ſon to Louis VIII. king of France. Louis was lord of Beaumont in France, and by Agnes de Beaumont, his lady, had his two ſons above-mentioned, and Iſabel, the wife of the laſt of the Veſeys of Alnwick caſtle. Barnes's Edward III.

‡ Barbour, in p. 278. relates, that the Earl of Athol's ſiſter Iſabel was wife to Edward Brus, and that Edward having an amour with a ſiſter of Sir W. Roſs, one of the two Scottiſh knights that fell in the battle of Bannockburn, the earl ſhewed his reſentment by burning ſome of the king's ſtores at Cambuſkenneth, killing Sir W. Keith, &c. on the eve of the day of Bannockburn-battle; for which exceſſes he was baniſhed, and his lands forfeited. His poſt of conſtable of Scotland was, in the following year, beſtowed on Sir Gilbert Hay of Errol. Dugd. Peer. p. 46.

* He at the ſame time calls him *his beloved ſon, the noble Robert de Brus.*

notification

notification of this bull, that during this interval measures might be employed for effecting a lasting peace. In March, John de Ossa, a cardinal priest, and Luke de Fieschi, a cardinal deacon, received a commission to settle peace throughout Britain and Ireland; with full powers to censure the refractory, and to remove all obstacles to concord, that might be alleged to arise from oaths, or contracts of any kind.

Robert Brus, K. of Scotland. 1317. March 17.

These peace-makers arriving in England in the month of July, came to the king at Nottingham, and in August set out towards Scotland. The north of England did at that time abound with banditti, who having taken their rise from associations that the calamities of the times had impelled men to form for their mutual defence, soon forgot the distinction between friend and foe, and made a prey of whatever tempted their avarice. A gang of these, commanded by Gilbert Middleton, *keeper* of the castle of Mitford †, and by Walter Selby, robbed the cardinals of their money, goods, and horses, near Darlington ‡, on their road from York to Durham. The cardinals they did not detain; but Louis de Beaumont, who accompanied them in order to receive consecration at Durham, and his brother lord Henry, were carried prisoners, the former to Morpeth, the latter to Mitford, and obliged to pay a great sum of money as the price of their liberty. Middleton did not long escape the punishment he merited for this and other excesses; for having fallen into a snare laid for him by some neighbouring gentlemen, on whom he had committed depredations, he was sent in fetters to London, where he was hanged, drawn, and quartered, in the following January. His retainers joined the band of his ally, Walter Selby, whose strong hold was the *little castle* of Horton *.

Rym. Ib. 655. 663. 670.

Custos et non *Dominus*, Hist. Dun.

The cardinals had sent before them into Scotland two messengers, a bishop and an archdeacon, to prepare, if possible, the way for their own entrance into that kingdom; the effecting of which they could not but consider as very precarious, from the refusal of admission to a messenger from Rome, who had arrived three months before on the borders; and whose errand was to notify to the clergy of Scotland the election of the Pope. The messengers of the legates, not without difficulty and danger, arrived at Roxburgh, where the Scottish king at that time resided; having, in the beginning of the summer, returned from Ireland, after losing in that kingdom the greatest part of his army by famine. But although this loss, together with his reverence of the Holy See, restrained him from giving the English any disturbance in the course of this year, yet he continued firm in his purpose of asserting and defending his right to the crown and kingdom of Scotland, in opposition to whatsoever pretended authority might be employed to deprive him of it. Robert received the messengers of the legates in a gracious manner. Some of

Rym. ib. 661, 798.

† It is said, that Middleton was incensed against the king for arresting his cousin Adam de Swinburn, who had spoken too sharply to the king, concerning the affairs of the marches. With the concurrence of other marchers, he did much harm in Cleveland, and took all the castles of Northumberland except Alnwick, Bamburgh, and Norham. Lel. Coll. i. 548.

‡ At a place called Aile. Rym. ib. 667.

* Walsingham calls it *Refortiuncula*. Probably it is the Horton situated south of the little river Blyth, about seven miles distant from Mitford. There is also a place of that name, with the ruins of an old castle or tower, about four miles N. E. from Wooller.

the

Edward II. K. of England. 1317.

the letters they brought from the cardinals were ſealed, and directed to Robert Brus *governor of Scotland.* Theſe the king would not ſuffer to be opened; alleging they could not be meant to be addreſſed to him, who was the *king of Scotland.* The letters they carried from the Pope, and other letters from the cardinals, were *open.* Theſe he cauſed to be read; liſtening to them with an air of profound reverence. He then declared to the meſſengers, that, on account of the direction of theſe letters, and of the importance of the matters they contained, he could not give them an anſwer, nor ſuffer the legates to come into his preſence, until he had firſt conſulted his barons; for which purpoſe he promiſed ſoon to aſſemble them, and to notify to the legates his reſolution, on the feaſt of Michaelmas then approaching. This declaration he accompanied with expreſſions of his earneſt deſire of peace, and of his gratitude for the endeavours of any perſon to eſtabliſh it; but at the ſame time blamed, in gentle terms, the partiality of the Holy Father; who, to gratify the king of England, refuſed him his juſt title of king of Scotland; which all other kings and princes had then conſented to give him.

By the time prefixed, the legates received information, that they would not be ſuffered to enter Scotland, if they did not firſt acknowledge Robert's title to the crown. Provoked at ſo determined a refuſal, they reſolved to make trial of the force of their ſpiritual artillery; and, in order to it, they ſent Adam Newton, guardian of the Minorite friars of Berwick into Scotland, to lay before Robert Brus and the Scottiſh biſhops and abbots, the papal bulls, ordaining a truce between the kingdoms, the proceedings upon theſe bulls by the legates, together with the bulls that contained their powers.

The friar having proceeded to Old Cambus, twelve computed miles in the road from Berwick to Edinburgh, found the Scottiſh army encamped in a wood near that place; and though it was then after the middle of December, employed in felling trees and preparing engines for beſieging the town and caſtle of Berwick. He had left at Berwick the bulls and other papers he was charged with, until he ſhould have obtained a ſafe-conduct from the Scotch king; which was granted to him, in their ſovereign's name, by Walter the high ſteward, Sir Alexander Seton, and William Montonforth. On his returning again from Berwick, he was not ſuffered to come into the king's preſence, but was commanded to deliver his papers to the perſons juſt named, in order to their being inſpected by the king. He ſeized, however, the opportunity, according to the account he himſelf gave of his proceedings, of proclaiming before theſe Scottiſh courtiers, and a great number of people around them, in name and by authority of the Holy Father, a truce between the two kingdoms; but no one ſeemed ſo much as to hear what he ſaid. The papers were ſoon returned to the friar with expreſſions of contempt; the king declaring, that he would not obey the Pope's bulls, nor pay any regard to the proceſs of the cardinals, unleſs he had the title given him of king of Scotland; and had alſo the town of Berwick delivered to him by the Engliſh king. On the next day the friar was diſmiſſed, having in vain requeſted a ſafe-conduct; and on his way to Berwick was robbed and ſtripped of every thing, even to his clothes,

clothes *, by four men, who it was believed were ordered to way-lay him, that they might bring back to the king of Scotland the papal bulls † and proceſs of the cardinal legates. Robert Brus, K. of Scotland. 1317.

In the courſe of this year, Edward was much annoyed by the rebellious behaviour of the earl of Lancaſter, who abſented himſelf from parliaments, on pretence of the favour of the king to his enemies; and having quarrelled with the earl of Surry, forcibly ſeized ſome of his caſtles, as well as ſome of thoſe that belonged to the king. The cardinal legates mediated a temporary reconciliation; but were not able to extinguiſh animoſities, or to teach Lancaſter loyalty and obedience. Theſe inteſtine broils, together with Edward's ſubmiſſion to the papal authority, enjoining a truce, ſeem to have ſuſpended hoſtilities on the part of the Engliſh, againſt the Scots, during this year.

In the following March, a commiſſion from the king of England was given to eight perſons, at the head of which were the archbiſhop of York, and Gilbert de Umfranville earl of Angus, to enter into a treaty with commiſſioners from the king of Scotland, for confirming the truce ordained by the authority of the Pope and apoſtolic ſee. It is affirmed in the papal bull of excommunication, afterwards emitted againſt Robert Brus, and in letters of the king of England to the Pope, that this appointment of commiſſioners was made on the requeſt of Robert Brus, and that the place agreed on for their meeting was Berwick; circumſtances by which Robert's enemies ſought to ſupport their charge againſt him of treachery, as well as the moſt flagrant contempt of the papal authority, manifeſted in his taking of Berwick, not many days after the commiſſion juſt mentioned was given ‡. The Engliſh writers relate, that Berwick was betrayed to Robert Brus by its governor, Peter Spalding, for a ſum of money. But Barbour, the rhyming hiſtorian of Brus's atchievements, relates this event in a different manner ‖. According to his account, Peter Spalding, a burgeſs of Berwick, who was married to a couſin of Sir Robert Keith's, marſhal of Scotland, entertaining a violent reſentment againſt the governor of the town, for the malignity and cruelty he ſhewed to all Scotchmen, formed a project of betraying the place to the Scots. With this view, A. D. 1318. Rym. ib. 698, 707, 729. April 2. Ford. l. 12. c. 37. Barb. 347—355.

* *Habitu ſuo, ac veſtibus paupertatis, et rebus aliis quas portabat, immaniter ſpoliarunt.* Bull of Nov. 17, 1319. Rym. ib. 799.

† The bull of excommunication againſt Robert Brus, directed to the cardinal legates, ſays, That the Pope's letters appointing the publication of a truce between the kingdoms were not only forcibly taken from the Friar and his companion, but, in utter contempt of the holy ſee, torn to pieces *(totaliter laceratæ)*. Rym. iii. 707.

‡ The Pope's bull affirms, That the place was taken the more eaſily, by reaſon of its being treacherouſly aſſaulted, at a time when the Engliſh king could not ſuſpect that it was in the leaſt hazard. The ſame bull ſays, That the Scots committed a great and cruel ſlaughter, both on the king's garriſon *(gentem regiam inibi)* and the inhabitants: and Edward, in his letters to the Pope and cardinals in 1325, ſtill inſiſts, That the Scots treacherouſly ſeized Berwick, at a time when he, in obedience to the exhortations of the Holy Father, was ſtrictly keeping the truce enjoined by him.

‖ Barbour ſays, That all Scotland was then ſubject to Robert Brus, from the Red Swyr unto Orkney, except Berwick:

Fra the Red Swyr unto Orkney
Was nought of Scotland fra his fay
Outtaken Berwick it alone.

Edward II. K. of England. 1318.

he propoſed to the marſhal, that on a night, when it was his (Spalding's) turn to keep watch on the part of the wall adjacent to Cow-gate, a ſufficient body of Scots ſhould enter it on that quarter, by means of ſcaling-ladders. The marſhal having informed the king of this propoſal, meaſures were concerted for carrying it into execution; and the king's chief captains, Randolph and Douglas, were ordered with ſufficient bodies of their followers to repair, on the evening prefixed, to a place called Dunce Park, where the marſhal and his men joined them *. Having left their horſes at a conſiderable diſtance from the town, they advanced to the appointed place of the walls, and entered the town unperceived by any but their friend Spalding, who conducted them to a place, where they remained concealed till day-light. The luſt of booty made many of the Scots ſcatter through the town, and too much weakened the force that remained with their leaders; which occaſioned ſharp conflicts with ſome parties of the garriſon that were able to unite; but the aſſailants at laſt every where prevailed, and were completely maſters of the town about noon.

Many of the garriſon and townſmen had fled into the caſtle; and it being obſerved from thence, that the number of Scottiſh banners was but ſmall, thoſe in the caſtle ſallied forth, in hope of expelling their adverſaries from the town. A very ſharp engagement enſued, wherein Randolph and Douglas diſplayed their wonted proweſs; and in which Sir William Keith of Galleſton, who had but a little time before been knighted, very eminently diſtinguiſhed himſelf. The caſtellans were, in the iſſue, driven back, and preſſed ſo hard, that many of them were cut off in their retreat, and the gates were with difficulty ſhut againſt the purſuers.

The fame of the recovery of Berwick ſoon drew ſufficient numbers of men from the neighbouring Scottiſh counties of Mers, Tiviotdale, and Lothian, for defending the town, and alſo for aſſiſting in the ſiege of the caſtle; which, probably being too much crowded, capitulated on the ſixth day † after the town was taken; thoſe within it being allowed to paſs into England. The king ſoon after arrived, and took up his reſidence with his court in the caſtle ‡. Great quantities of proviſions and military ſtores were found in the place; and the king reſolved to make an exception of Berwick, from the rule he had hitherto obſerved, of demoliſhing the fortreſſes recovered from the Engliſh. He gave the keeping of both town and caſtle to his ſon-in-law Walter Steward

* The marſhal's men were the beſt of Lothian, of which county he was ſheriff.

† In Lel. Coll. it is ſaid, that the caſtle held out for eleven weeks, and that Roger Horſley, the captain of it, loſt one of his eyes.

The taking of Berwick was recorded by ſome Scotch monks in the following rhymes:

M ſemel, et C ter, ſemel X, ſemel V, dabis I ter;
Capto Berwico, ſit laus et gloria Chriſto. Ford. l. 12. c. 37.

‡ Perhaps this reduction of Berwick, completing Robert Brus's conqueſt of Scotland, determined William Lamberton biſhop of St. Andrews, to acknowledge the authority of that prince. The king of England, on the 6th of June of this year, complains to the Pope of Lamberton's perfidy and ingratitude; and beſeeches the Holy Father to depoſe him, and to confer the ſee on Thomas de Rivers; on whom he pretended that Clement V. had collated it. Rym. ib. 710. Lamberton, on the 3d of June this year, dedicated the great church of St. Andrews. Ford. l. 12. c. 37.

of

of Scotland; who was ambitious of obtaining a ſettlement on the borders, where he might enjoy daily opportunities of diſplaying his youthful courage in defending his country. To aſſiſt him in this work, he called forth from his own domains five hundred gentlemen of his blood or dependence. He provided alſo ſufficient numbers of inferior condition for ſhooting with bows, and working engines *, and had for his chief engineer Sir John Crab, a Fleming, of high reputation in his art. Robert Brus, K. of Scotland. 1318.

The reduction of Berwick was ſoon followed by that of the caſtles of Wark and Harbottle, which, being aſſaulted by the Scots, received no timely aid from their countrymen †. The Scots purſuing their ſucceſſes, and penetrating farther into Northumberland, ſurpriſed the caſtle of Mitford, ſo that they were maſters of all the county, except Newcaſtle and a few ſtrong holds. In May they advanced under lord Douglas farther into England, than in any of their former invaſions. They burned the towns of North Allerton, and Boroughbridge; and alſo plundered and burned Rippon; where ſome of the inhabitants, who had taken refuge in the church, were compelled to pay one thouſand merks, to ſave themſelves from being burned with the reſt of the town. They afterwards ſet fire to Scarborough, and Shipton in Craven, and returned with much booty and many priſoners ‡. Rym. iii. 713—727.

Theſe

* Barbour writes,

He gart engins and cranys ma
And purvayed great firs alſa,
Spryngalds and ſhoton ſeir manera
That to defend caſtles effeirs;
He purvay'd into full great wayne,
But gynnis for crapys had he nane,
For in Scotland yet then beſt ween
The uſe of them had not been ſeen. Barb. p. 354.

† Edward's proclamation of June 10 ſays, That they had taken ſome of the king's caſtles, and ſome of thoſe that belonged to his faithful ſubjects within England, on the march of Scotland. Rym. iii. 713.

‡ At this time ſays the Sc. Chr. Thomas Gray and his friends defended the caſtle of Norham; which fortreſs, while in the keeping of Gray, was once beſieged for the ſpace of a year, and another time ſeven months. His enemies raiſed fortreſſes before the caſtle; one at Upſetlington, of which the traces probably remain on the top of the bank of Tweed, a little below Ladykirk, at a place called *Caſtle-hills*, and another in the church of Norham. The caſtle was twice victualled by the lords Percy and Neville. Sir Adam Gurdon (Gordon), with one hundred and ſixty men, came to drive away the cattle paſturing by Norham. The young men of the neighbourhood encountered the Scots, but the latter being likely to overpower them, Thomas Gray came to their aid with ſixty men, and killed the greateſt part of the Scots with their horſe. The outer ward of the caſtle was taken while Thomas Gray was its keeper, on the eve of St. Catharine; but the Scots kept it but three days, having failed in the work of mining. The following feat of chivalry, to which the hazardous ſituation of this caſtle gave occaſion, is worth recording. At a feaſt in Lincolnſhire, where were preſent many gentlemen and ladies, a certain lady brought from her miſtreſs to Sir William Marmion an helmet, with a golden creſt, with a letter of commandment, That he ſhould go into the place of greateſt danger then in England, to make ſhow of his helmet, and gain fame to it. So he went to Norham, whither, in four days after his arrival, came Philip Moubrai, governor of Berwick, with one hundred and forty men of arms, the very flower of the Scottiſh marches. On ſight of this, Thomas Gray brought forth his garriſon before the barriers of the caſtle, behind whom came Marmion richly arrayed, and with his helmet, the preſent of his lady, all glittering with gold. Then ſaid Gray to Marmion, 'Sir knight, ye be come hither to fame your helmet, mount your horſe, and 'ride like a valiant man to your enemies here at hand; and I forſake God, if I reſcue not thy body, 'dead

Edward II. K. of England.

1318. May 28. Rym. ib. 709—713.

June 10.

Mon. Malm. p. 185.

Oct. 20. Rym. ib. 742.

Wal. Hiſt. 111.

Dec. 16. Rym. ib. 748.

Theſe open and violent hoſtilities of the Scots, which began with the taking of Berwick, being notified to the Pope, produced new and deciſive orders to the legates, to publiſh the ſentence of excommunication againſt Robert Brus, and interdict againſt his ſubjects, in churches and public places, every holiday and Sunday, with the uſual ſolemnities; which was accordingly done in England, Wales, and Ireland, and alſo in France and Flanders. But theſe fulminations being of no avail to abate the courage, or to blunt the weapons of the Scots, Edward, in the beginning of June, iſſued his ſummons to all his military vaſſals, to attend him at York, in order to march againſt the violators of the papal truce; which truce he, 'as a ſon of obedience,' had faithfully kept; but which could no longer be binding on him, after the Scots had ſo groſsly broken it. By the interpoſition of the legates, who ſoon after left England, an agreement was concluded between the king and his couſin of Lancaſter; in conſequence whereof Lancaſter again obtained the aſcendant in the king's council, and the elder Deſpenſer was driven from court. The king wiſhed to improve the reſtoration of his domeſtic quiet, by undertaking an expedition againſt his enemies of Scotland. Theſe, after their other exploits, had laid ſiege to the caſtle of Norham; and it was believed, that unleſs ſuccour was ſent to this fortreſs, it could not hold out beyond Michaelmas. Edward having come to York held a parliament, wherein his agreement with Lancaſter was confirmed. He alſo collected, at the ſame place, a great army, in which were bodies of heavy-armed footmen ſent from London and ſome other cities †.

His receiving an account of the deſtruction of Edward Brus and all his followers, in the battle of Dundalk, on the 14th of October, afforded freſh encouragement for an expedition againſt the Scots; but the advanced ſeaſon, and the deſolation of the frontier country, were difficulties not eaſy to ſurmount; and it is alſo related, that ſtrifes breaking out among the forces aſſembled at York, had made it neceſſary to diſperſe them. The king, however, reſolved to ſpend the winter in the North, for the defence of his kingdom againſt the Scots; and for this purpoſe the ſtricteſt orders were iſſued for all men on the north of Trent, from twenty to ſixty years of age, whether in

' dead or alive, or I myſelf will die for it.' Whereupon Marmion mounting his courſer, rode among the throng of enemies, who laid ſore ſtrokes on him, and at laſt pulled him out of his ſaddle to the ground. Then Gray, with his garriſon, fell on the Scots, and routed them; and Marmion, being remounted, joined with the caſtellans in the chace. Fifty horſes of value were taken, and the women of Norham brought them to the foot to aſſiſt in the purſuit. Thomas Gray killed one Cryne, a Flemiſh pirate, in great favour with Robert Brus. Thoſe that eſcaped, were chaſed to Berwick nunnery. Lel. i. 548, 549.

The particular accounts of the atchievements of Thomas Gray, given in the Scal. Chron. which a certain Engliſhman (taken priſoner in war, and carried to Edinburgh, tranſlated out of French rhyme into French proſe) favours the conjecture, which Leland forms from other circumſtances, that one of the Grays of Northumberland was author of it. The extracts from this work in Leland extend from p. 509 to 580.

† They are ſaid to have been armed *Aketonis*, *Haubergettis*, *Bacinettis* (head pieces), *et Cirotecis ferreis*. They were to ſerve forty days, at the expence of the Londoners, but continued with the king probably much longer *(per tempus non modicum)*. The king grants that this ſhould not be to the prejudice of the Londoners, nor be drawn into conſequence. Rym. ib.

the

the rank of horſemen or footmen *, to be ſufficiently armed, and regularly arrayed; and to be all in readineſs, at three days warning, to follow their lords, who were empowered and required to puniſh the diſobedient. Robert Brus, K. of Scotland. A. D. 1319.

Edward being informed, that the Scots were ſoliciting at the papal court a revocation or mitigation of the ſentence iſſued againſt them, employed the whole weight of his intereſt at that court to defeat their endeavours; applying in particular, with that view, to his good friends the cardinal legates, who had lately been in England. Having alſo intercepted letters from ſome, who attended the Pope's court, to excommunicated Scotchmen, he ſent them by Sir John Neville to the Holy Father, who cauſed ſome Scotchmen and their fautors, concerned in this correſpondence, to be impriſoned. This proof of friendſhip encouraged the king, to entreat the Pope farther to extend his cenſures againſt the Scots. But, notwithſtanding theſe indications of an hoſtile ſpirit, Edward, about the ſame time, requeſted the Pope's leave to treat with thoſe of the Scots, though excommunicated, who were deſirous to enter into a treaty with him, for obtaining his peace and favour; of whom, he affirmed to the Pope, *that the number was conſiderable.* He even hoped to gain ſome perſons of conſequence; and that by their deſertion the reſt would be ſo diſcouraged and divided, as to be more eaſily brought back to their duty to their ſpiritual father, and to himſelf, who claimed to be their rightful temporal lord. Rym. ib. 752, 761, 762.

Edward endeavoured farther to avail himſelf of the Pope's ſentence againſt the Scots, by making it an argument to induce the earl of Flanders, the duke of Brabant, and ſome of the great cities of the Netherlands, to forbid the excommunicated and interdicted Scots acceſs to their ports or territories; and to refuſe them ſupplies of men, victuals, or arms. And to enforce this requeſt, he farther informed them, that he had appointed keepers of the ſea, who commanded ſhips of war, to be employed in intercepting ſupplies that were ſent to his rebels; the carriers of which ſupplies would be expoſed to the ſame ſevere treatment as the rebels themſelves. Edward received from the princes and cities, anſwers of different kinds. The earl of Flanders and citizens of Bruges declared, that their ports and trade were open to people of all countries; and that they could not infringe this liberty, without deſolation and ruin to themſelves. The anſwers of the duke of Brabant, who was Edward's nephew, and from the cities of Mechlin and Ypres, were more favourable. Rym. iii. 759, 761. 766. 770, 771.

Edward was not only thus diligent at foreign courts, but was equally careful at home, to prepare for an expedition into Scotland; the firſt object of which was the recovery of Berwick. In the beginning of ſummer he held a parliament at York, wherein the nobles and gentlemen gave him for the Scottiſh war, an eighteenth of their revenues; cities and burghs a twelfth of their goods; and the clergy, with the Pope's permiſſion, a tenth. Orders were given to the earls of Lancaſter and Hereford, and to ſeveral other barons, to raiſe in their domains able footmen; part of which were to be furniſhed with Rym. ib. 774, 775. 787, 788.

* The foot were to be diſtributed into bands of twenties and hundreds, and the horſes in due order under conſtabulary.

heavy

Edward II. K. of England.

1319. July 20.

heavy armour, for ſerving at the intended ſiege. The general rendezvous was appointed to be at Newcaſtle, in the end of July *: but the expedition was probably retarded by a ſcarcity of money; for loans of which the king ſolicited, with great earneſtneſs, the biſhops and heads of convents, as alſo cities and burghs; offering as ſecurity for repayment, the ſupplies which the parliament had granted. At the ſame time he requeſted the biſhops to cauſe prayers to be put up for the ſucceſs of his expedition.

Ib. 786, 787, 788.

M. Malm. 192, —195.

At length, on the firſt of September, the king arrived at Berwick with a numerous army; wherein Lancaſter and the other chief nobles of England were preſent †. This was accompanied by a fleet from the Cinque-ports, laden with proviſions and all kinds of ſtores. Beſides the king's military vaſſals with their dependents, and the ſoldiers to whom he gave regular pay, there were many thouſand footmen who ſerved in the army as volunteers, encouraged by the hope of booty; the king having made a grant to each of 100 *l.* value of what they could ſeize of the goods of their enemies, without being liable to make reſtitution. Thoſe who ſerved by ſea had the like grant of ſecure poſſeſſion, of all the ſpoils they could gather in their deſcents on the enemy's country. Theſe conceſſions giving ſecurity againſt the reſtitutions that were wont to be made on the concluſion of a peace or truce, drew many, by the proſpect of booty, to ſerve both by ſea and land.

The firſt care of the Engliſh, was by an intrenchment to defend their camp againſt the attacks of the Scots. They then proceeded to attack the town, whereof the walls were ſo low, that an aſſailant from the foot of them might with his ſpear ſtrike a defendant on the top ‡. Two remarkable general aſſaults were given by the beſiegers on the ſeventh and thirteenth of September. In the former, they endeavoured, at many different places, to ſcale the walls; while a ſhip, on the ſame day, ſailed up the river §, and approached as nigh as poſſible to the wall with a boat hawled up on her maſt filled with ſoldiers, and provided with a bridge to reach from the boat to the top of the wall; the crew of the ſhip were ſo diſtreſſed by ſtones and miſſile weapons from the wall, that they could not get ſufficiently near for applying their bridge, and the ſhip being left aground by the ebbing tide, a party of the garriſon ſallying forth burnt her; although with the hazard of being intercepted by

* On the 19th of July the king, while at York, beſtows nine prebends of the dioceſe of Glaſgow, which dioceſe is ſaid to be vacant, and in the king's hands; alſo preſentations to ſome other livings in that dioceſe, and to ſome in the dioceſes of Whithern and St. Andrews. In this liſt are ſome hoſpitals, particularly two of St. Mary Magdalene; one at Roxburgh, and the other in the neighbourhood of Berwick, from which the field between Berwick-wall and the ſea has had the name it ſtill retains, of Magdalene, or Maudlin Field. The king, and thoſe who ſolicited theſe livings, ſeem to have made no doubt of the ſucceſs of the intended expedition. Rym. ib. 785, 786.

† Beſides Lancaſter, there were preſent, the earls of Pembroke, Arundel, Hertford, Warrenne, and the earl Marſhal, the king's brother, alſo Hugh d'Eſpenſer, Roger de Tampori, and Hugh Dendeley, who were the three heirs of the earldom of Glouceſter, by their marrying the late earl's ſiſters. M. Malm.

‡ The walls of the town then were
So low, that a man with a ſpear,
Might ſtrike another upon the face. Barbour, 358, 119, &c.

§ The ſhip is ſaid by Barbour, to have been towed by barges by the bridge-houſe, to the wall.

ſome

ſome of the beſiegers, who came along the ſhore by the foot of the wall to attack them. In the next general aſſault, which was made ſix days after the firſt, the Engliſh employed a great machine called a Sow, conſtructed for holding and defending men who were moved in it, towards the foot of the wall, in order to undermine and ſap its foundation. To oppoſe this, ſir John Crab had prepared a vaſt crane, moveable on wheels, and faggots of a huge ſize, which being ſet on fire were to be lifted up by the crane, and let down upon the ſow to conſume it. An Engliſh engineer of extraordinary fame, who at the laſt aſſault had been taken priſoner from on board the veſſel that was burnt by the Scots, was compelled, by menaces of inſtant death, to employ his art for deſtroying the great engine of his countrymen. To effect this, he threw a great ſtone from one of the engines on the wall, in ſuch a direction that after mounting to a great height, it fell on the ſow with ſo much force as to ſplit it aſunder *; and the burning faggots being afterwards applied by the help of the crane, conſumed the whole fabric. The beſiegers, who the ſame day were employed in the attack againſt Mary-gate, burnt the draw-bridge, and were about to conſume, in like manner, the whole gate; when the governor having firſt drawn a ſupply of men out of the caſtle, whoſe ſituation was adjacent to this part of the town, and which was not on this day itſelf aſſailed, ordered the gate to be thrown open, and repelled the aggreſſors with ſuch vigour that they were forced to retire. An aſſault alſo on that day by the Engliſh ſhipping was repelled, chiefly by the art of the captive engineer in throwing ſtones from the wall. It was not however without conſiderable loſs to the beſieged, that theſe repulſes were given to their enemies; and it is probable the latter would ſoon have prevailed, had not Lancaſter, actuated by his habitual malignity to the king and his favourites, and bribed, as was reported, by Robert Brus, retired from the Engliſh camp with all his men †.

Robert Brus, K. of Scotland. 1319.

The Engliſh army was much weakened by the deſertion of Lancaſter; but they ſuffered a ſtill greater diſcouragement from the intelligence they received of the earl of Murray and lord Douglas having entered England. In this irruption they led 10,000 choice men into the heart of Yorkſhire; and, in the neighbourhood of York, had almoſt ſeized the perſon of the queen of England, who is ſaid to have been ſold to the invaders by Lancaſter, or ſome traitors in her court. The information of the approach of the Scots, extorted from a Scottiſh ſpy who was apprehended at York, ſaved the queen; but the invaders, diſappointed of this great prize which would perhaps have purchaſed

M. Malm.

* When ſuch of the men under the ſow as eſcaped deſtruction, came out and fled from her; thoſe on the walls ſaid ſcoffing, that the ſow was made to ferry her pigs. Barb.

† Some of the Engliſh hiſtorians relate, that Lancaſter was provoked to make this deſertion by the king's ſaying raſhly, that he would make Hugh d'Eſpenſer keeper of the caſtle, and Roger de Tammori captain of the town. The Monk of Malmeſbury relates, that the king ſaid, that when the preſent troubleſome affair was over, he would go on to other buſineſs; for he had not yet forgot the hard fate of his brother Peter (Gaveſton). M. Malm. p. 201. According to this author, none of Lancaſter's friends joined in the aſſaults made on Berwick; and it was reported, that he received 40,000 *l.* from the king of Scotland for his aid and friendſhip. Lancaſter complained to the king of theſe reports, offering to put his innocence to the ſevereſt trial; and was cleared, according to that annaliſt, by a ſham combat of champions *(admiſſa eſt purgatio comitis cum quadam manu parium)*.

a peace

Edward II. K. of England. 1319.

a peace to their country, committed terrible devaſtations in the weſt and north ridings. The archbiſhop, William de Melton, emulating probably the immortal fame gained about two hundred years before by his predeceſſor Thurſtin, in the battle of the Standard, collected a tumultuary army, wherein were many clerks both ſecular and regular, and had the temerity to give battle to the Scottiſh veterans under Randolph and Douglas, at Milton on the Swale, about twelve miles north from York. The conſequence was the inſtant and entire diſcomfiture of the aggreſſors, of whom three thouſand were ſlain, and a great number of the ſcattered fugitives drowned in the Swale.

The reſolution ſhewn by the garriſon of Berwick, the deſertion of Lancaſter, and intelligence of the invaſion of the Scots, conſpired to determine Edward to abandon the ſiege of Berwick. He hoped to meet the invaders on their return, to avenge their outrages and ſtrip them of their booty; but they, informed of Edward's approach and of the route in which he was haſtening to them, and aided, it is ſaid, by Lancaſter's treachery *, ſtruck into a different path, and regained their own country with all their rich ſpoils. Robert Brus, ſoon after theſe ſucceſſes, viſited Berwick; and reflecting on the hazard to which it had been expoſed by the lowneſs of its walls, cauſed a conſiderable addition to be made to their height all around †. Encouraged alſo by the ſucceſſes of the Summer, and by the conſternation of the Engliſh, a band of Scots under lord Douglas, about *All Hallow Tide*, entering England, waſted all Gilleſland, and as far as Burgh on Stanmore; whence returning by Weſtmoreland and Cumberland, they marked their way by the like devaſtations.

Barb. 377.

Chr. Lan. ap. Tyrrel. iii. 274.

The conſequence of ſo long a ſeries of defeats and diſgraces ſuſtained by Edward, and of a ſatiety of victory and booty on the part of his enemies, was a mutual reſolution to give each other a reſpite from the calamities of war. For this purpoſe, a congreſs of commiſſioners ‡ was agreed to be held at Newcaſtle on the ſixth of December; who, on the twenty-firſt of that month, concluded a truce, to continue firſt to the Chriſtmas next enſuing, and thence for two years.

Rym. iii. 816.

The treaty of this truce is not publiſhed in Rymer's great collection, but ſome papers that refer to it appear there, and ſhew part of its contents. One article of it was, that the caſtle of Harbottle, which the Scots had taken in the preceding year, ſhould be reſtored to Edward's commiſſioners, conſidered *as private perſons*; on condition that, if a final peace ſhould not be concluded before the Michaelmas immediately preceding the term of the truce's expira-

Rym. iii. 817.

* It was reported that lord Douglas, on his return to Scotland, paſſed through the army of Lancaſter; and that the earl paſſed unarmed through the middle of the Scots. M. Malm.

† Barbour ſays, That he gart well ten foot *high* the wall,
About Berwick town over all.
Whether doth he mean, adding ten feet to the former height, or making it ten feet high all around?

‡ The Engliſh commiſſioners were, J. biſhop of Ely the chancellor, A. de Valence earl of Pembroke, Hugh d'Eſpenſer jun. and Barthol. de Badleſmere. They had powers to negociate either a truce or peace, to confirm the one or the other by oath on the king's ſoul, to appoint keepers of it on the marches, and to give ſafe-conduct to thoſe of Scotland who were coming to Newcaſtle to treat with them. Rym. iii. 803.

tion,

tion, theſe commiſſioners ſhould either reſtore it to Robert at the ſaid Michaelmas, or wholly deſtroy it before that term. From other papers it appears, that all intercourſe (*communio*) between the ſubjects of England and of Scotland during this truce, was forbidden. And if any ſhips of Scotland were driven in or wrecked on the Engliſh coaſt, and ſuch ſhips became not the property of the king of England or ſome of his ſubjects, as being wrecks of the ſea; then the ſhips, with their cargoes and crew, were to be delivered to their proprietors in Scotland. And this was extended to Scotchmen ſailing in the ſhips of any other nation, or the goods of Scotchmen on board of theſe ſhips; when ſuch ſhips were driven in or broken in any of the king of England's dominions, or taken by his ſubjects on the ſea, with the like proviſo as before, if ſuch goods became not the property of the king or of ſome of his ſubjects as wrecks. It is no doubt to be underſtood, that, in like circumſtances, the Scots were bound to treat in the ſame manner, the ſhips, goods, and perſons of the Engliſh.

Robert Brus, K. of Scotland. 1319. Ib. 879.

Soon after the concluſion of this truce *, conſervators of it were appointed. There were two for Cumberland and Weſtmoreland, Andrew de Hartcla, ſheriff of Cumberland and keeper of the town and caſtle of Carliſle, and Anthony Lucy; and four for Northumberland, William Ridel, Gilbert de Burwedon, John de Penreth, and Roger de Horſely. The charge of theſe conſervators, as their commiſſions bear, was to *keep the truce* agreeably to its tenor; to hear the complaints of all concerning damages ſuſtained, and tranſgreſſions committed contrary to the truce; and after inquiring concerning theſe infringements by good, lawful, and unſuſpected men of the ſaid counties, to do juſtice, according to the treaty. They were alſo commanded to ſeize in their ſeveral diſtricts the violators by force of arms, when needful, and to detain them in priſon until the king's pleaſure ſhould be known. All perſons were ordered to give their aid in the premiſes; and for ſearching out and diſcovering the truth in them, the ſheriffs of the aforeſaid counties were enjoined to command the attendance of a ſufficient number of fit perſons, at ſuch times and places as the conſervators ſhould notify to them. This commiſſion containing the firſt diſtinct view we meet with of the charge of a *conſervator of truce* on the borders of the kingdoms, we have given the above particular account of it; and it is probable, that like commiſſions were given by the king of Scotland to conſervators appointed on his ſide.

A. D. 1320. Jan. 24. Rym. ib. 817.

Robert Brus was not only under the execrations of the Holy See for his contempt of its authority in violating the truce enjoined with England, but was alſo under excommunication for the murder of John Comyn of Badenoch in the church of the Friars Minors at Dumfries; which ſentence, on account of Robert's ſhewing himſelf incorrigible, by having ſuſtained it more than three years, the prelates of York, London, and Carliſle, had power from the Pope to publiſh wherever they thought fit, on Sundays and holidays, with

Jan. 8. Rym. ib. 810.

* On Jan. 7. a ſafe-conduct was granted by the king of England to ſeveral Scotchmen, knights, clerks, and valets, who were coming to him to treat farther about the affairs of their maſter (called le Sire Robert). What theſe affairs were is not recorded.

Edward II. K. of England. 1320.

the uſual ſolemnities of ringing of bells and lighted candles *. Although Robert earneſtly wiſhed to be reconciled to the Holy See, yet it was his fixed purpoſe, in which the proſperous ſtate of his affairs ſerved to confirm him, never to acknowledge Edward's ſovereignty, or to renounce his own title of king of Scotland: and to ſatisfy the Holy Father, that this was a matter not wholly in his own power, the nobles and chief barons of his kingdom holding an aſſembly at Aberbrothick in the beginning of April, joined in writing a letter to the Pope; wherein they declared, that while a hundred of them remained alive, they would never in any degree ſubmit to the yoke of England, 'and, 'that if their king, whom they had accepted in that quality, on account both of 'his right, and of his merits in defending their liberty, ſhould alter his conduct, 'and attempt to ſubject them to the king of England, they would immediate-'ly endeavour to expel him, and to make ſome other perſon their king who 'ſhould be able to defend them.' The whole letter breathes the ſame ſpirit of independency and determined reſolution.

Ford. l. 13. c. 2, 3. And. Dipl.

Rym. ib. 848.

Auguſt 17.

It is probable that this letter was ſent by Edward de Mambuiſſon and Adam de Gordon, two Scottiſh knights, who in the ſummer of this year were envoys from Robert Brus to the Pope. It appears from the Pope's letter to Edward, giving an account of the letters of Robert brought to the Pope by Mambuiſſon and Gordon, that Robert, though a ſuppliant for the Pope's favour, feared not to complain of the injuries he had received from him; in particular, of his having provided to the ſee of Glaſgow an Engliſhman who was his capital enemy, and of his hard treatment of ſome Scotchmen and their friends at his court, for their correſponding with Scotland. But the chief errand of theſe envoys †, and object of Robert's letter, was to ſolicit a relaxation of the ſentences that had been given againſt himſelf and his ſubjects; towards which they prevailed ſo far as to obtain a ſuſpenſion of the proceſs and inquiſition, and a delay of the publication and aggravation of theſe ſentences, until the firſt of April following.

Rym. ib. 846.

This lenity of the Pope was probably in part intended to make Robert more placable for agreeing to a peace with Edward; which the truce lately concluded, gave time and opportunity to negociate and ſettle. He addreſſed, in the month of Auguſt, his paternal admonition to the king of England to ſet about this work of reſtoring peace with all earneſtneſs; as he revered the prince of peace, and wiſhed to give his aid for recovering the Holy Land,

Sept. 15.

for which he had long borne the croſs. In obedience to this admonition, Edward ſoon named commiſſioners for treating of a final peace with Brus.

Rym. ib. 857, 861, 862, 864.

Theſe commiſſioners, meeting at Carliſle with others from the king of Scotland, could make no farther progreſs than to agree that another meeting of commiſſioners ſhould be held at Newcaſtle on Candlemas-Day; where they were to begin their deliberations by treating concerning proper ſecurities, and a convenient place, which was to be within the county of Northumberland or Berwick, for carrying on this negociation. And a ſafe-conduct was granted

Nov. 17.

* The Engliſh biſhops had alſo powers of the ſame date, to excommunicate the Scottiſh nobles, with all their accomplices and adherents, who had invaded Ireland. Rym. ib.

† The Pope calls them ſpecial meſſengers.

to

to the Scotchmen commiſſioned for this effect, who were to be received at Tweedmouth by one or more of the Engliſh conſervators of the truce, on the *morning* * of the day preceding Candlemas, and to be conducted by them to Newcaſtle. Meanwhile powers were given to ſome perſons of eminence nigh the marches, to receive to Edward's peace and obedience ſuch as were wounded in their conſciences by the papal excommunication and manifold other cauſes; but theſe converts were to give ſufficient ſecurity for their not violating the preſent truce by any attempts againſt Robert and his adherents. Powers were alſo given them †, to remit, in Edward's name, to thoſe of Scotland who ſhould return to their fealty and obedience, all penalties and forfeitures they had incurred; with an exception of Engliſh deſerters, who had acted hoſtilely againſt their king and country, and who were not to be pardoned without farther ſpecial orders.

Robert Brus, K. of Scotland. 1320. Dec. 11.

In the following January, a commiſſion was given by Edward to twelve perſons, moſt of them of the higheſt rank, one half clerks and the other laicks, to treat, conclude, and confirm a peace with Brus and his *adherents* ‡. Commiſſioners from Scotland met with theſe in the month of March, and to aid as mediators in the treaty, there were preſent two envoys from Philip king of France, ſirnamed the Long, and two nuncios from the Pope §. But the claims on each ſide were ſo incompatible, and maintained ſo pertinaciouſly, that all endeavours to conclude a final agreement proved vain. This gave Brus the leſs concern, not only on account of his paſt ſucceſſes, which had enriched his country with the ſpoils of England, but becauſe a civil war broke out in England at the very time of the treaty; by which it was probable his antagoniſt Edward might be ſo diſtreſſed as to come to Robert's terms, eſpecially as Lancaſter, the chief of the rebellious faction, was his friend and ally.

A. D. 1321. Rym. ib. 866. 868. 884.

In the new commotions of this year in England, the object of which was to revenge againſt the D'Eſpenſers, eſpecially the younger, certain injuries and oppreſſions, but ſtill more to pull them down from the unlimited aſcendant they poſſeſſed over the king, the barons were at firſt ſucceſsful, and by ſuperior open force obliged the king and parliament to paſs a ſentence of forfeiture and baniſhment againſt both the father and the ſon. But, in the latter part of the year, Edward having gained ſome advantages, and exerted ſome ſeverities that intimidated many of his oppoſers, ſtrengthened his party ſo much, that the rebels were driven from the weſt of England into the north, where Lancaſter's chief ſtrength lay, and where he was nigheſt Scotland, either to receive aid from his allies there, or to take refuge amongſt them, if the fortune of war ſhould be adverſe to him. Lancaſter had the audacity to ſummon a meeting of the Engliſh barons at Doncaſter, to conſult about remedy-

C. 349, 350.

* *Hora prima.*

† David earl of Athol and Robert de Umfranville earl of Angus were the two firſt in the commiſſion given for this purpoſe. William Ridel, John de Penreth, and Roger de Horſely, were joined with them.

‡ Called in the commiſſion, *ſuos complices et fautores.*

§ Rigand biſhop of Wincheſter was both one of Edward's commiſſioners and a nuncio from the Pope at this negociation; the other nuncio was, William de Legdunce elect of Vienne. Rym. ib. 884, 868.

Edward II. K. of England.

ing the dangers and loſſes brought on the nation by the king's evil counſellors; on whom he retorted the charge of favouring the invaſions of the Scots.

1321. Rym. ib. 899. Rym. ib 893. Auguſt 25.

All proſpect of concluding a peace with Scotland having ceaſed, Edward gave orders, in the end of Auguſt, to John de Penreth conſtable of the caſtle of Harbottle, to demoliſh it; and the ſheriff of the county was commanded to aſſiſt him in this work with all his poſſé. About the ſame time Edward renewed his entreaties to the Pope to aggravate his cenſures againſt the obdurate Scots; and as the treaty that was in dependence laſt March, afforded the king of England an excuſe for not ſending his envoys to manage his cauſe againſt the Scots on the firſt day of the preceding April, which was the day appointed for its hearing, ſo the inteſtine diſturbances that had ariſen in his kingdom, ſerved the ſame purpoſe with regard to an adjournment of that cauſe which the Pope had made to the firſt of September. Edward alſo, in proſpect of the renewal of war with the Scots, ſolicited the aid of his ſubjects of Aquitaine; and, when informed of their having ſome bodies of horſe and foot ready for his ſervice, he aſked of Charles the Fair, king of France, a free paſſage for them through his dominions.

Rym. ib. 891.

Ib. 930. A. D. 1322. Feb. 19.

Ford. l. 13. c. 14. Rym. ib. 927. Rym. ib. 924. Ib. 907, 927.

The Scots loſt no time, after the expiration of the truce, in renewing hoſtilities, which they carried on with great ferocity, not ſparing either age, or ſex, or places, however ſacred. The earl of Murray appears to have been, on the Friday after St. Hilary, at Corbridge on the Tyne; this being the date of a ſafe-conduct granted by him to Richard the chaplain of Topcliff, to come to confer with him in whatever place he ſhould be. Several other evidences are ſtill preſerved of a correſpondence of Lancaſter and his complices with the Scottiſh king, and his two chief captains Randolph and Douglas, both before and after the expiration of the truce. Theſe evidences are contained in intercepted letters, which the king by a ſpecial meſſenger ſent to the archbiſhop of Canterbury, in order to their publication *. It appears from them, that Lancaſter, Hereford, and their aſſociates, had ſent John de Denum into Scotland, with powers to treat with Robert Brus, Randolph, Douglas, and the Steward of Scotland, or the firſt of them he ſhould meet with; the terms of the treaty were to be, that they were mutually to have the ſame friends and foes; that the Scots were to invade either England, Wales, or Ireland; that if the king of Scotland was prevented, by ſickneſs or any other great occaſion, from commanding in this expedition, Randolph and Douglas ſhould undertake it with all their powers; and that the Engliſh lords were to engage, on their part, to uſe their endeavours, when the preſent quarrel was happily ſettled, to procure a good peace between England and Scotland, by which Robert and his lords ſhould hold their lands in Scotland with the ſame freedom as they enjoyed theirs in England.

Rym. 936,—940.

Rym. ib. 905, 906.

Andrew de Hartcla, Governor of Carliſle, was inveſted with the military command over the three northern counties of Northumberland, Cumberland, and Weſtmoreland, for the purpoſe of aſſiſting to quaſh the preſent formidable inſurrection. Edward alſo gave him powers, in the beginning of February, to treat with the Scots of a peace or truce. Probably the diligence of Hartcla

Ib. 926.

* This publication was made at St. Paul's, March 7.

obſtructed

obſtructed the correſpondence between the Engliſh rebels and the Scots, and perhaps intercepted ſome of the letters by which this correſpondence was carried on; thereby delaying the full concluſion of a treaty between them. He ſeems alſo to have amuſed them with ſome treaty of a ſhort truce. For it doth not appear, that they either made any great effort to penetrate farther into England to join Lancaſter, or that Hartcla met with any hindrance from them in carrying his northern forces to oppoſe Lancaſter, when retreating, together with Hereford, before the king; and purpoſing, as it ſeemed, to join the Scots. His progreſs in that direction * was ſtopped by the forces of the northern counties, under Andrew de Hartcla and Simon Ward governor of York; and after Hereford his chief confederate had fallen, Lancaſter himſelf, with a great number of his friends and retainers, was taken priſoner at Burrough-bridge by Hartcla; who, for this important ſervice, was created earl of Carliſle.

Robert Brus. K. of Scotland.

1322.

Carte, ii. 356, 357.

Rym. iii. 943.

March 17.

Lancaſter was ſoon after beheaded at Pontefract †, for his accumulated treaſons; and his chief adherents ſuffered death, as traitors, in ſeveral different places of England. The faction was wholly broken; and had the king and his favourite uſed their victory with moderation, they would probably have been long ſecure againſt any formidable oppoſition. But the puniſhments were too numerous and ſevere; and a far too great ſhare of the ſpoils of the vanquiſhed was ſeized by the younger D'Eſpenſer. The father alſo was created earl of Wincheſter; and the great depredations committed on his eſtates, in the beginning of theſe laſt broils, were amply compenſated to him out of the lands and eſtates of the proſcribed rebels.

Edward reſolved to loſe no time in improving his preſent proſperous ſituation, to prepare for an expedition againſt the Scots; in order to which, he at firſt propoſed, that the rendezvous of his forces ſhould be at Newcaſtle, on the feaſt of Trinity. He acquainted the Pope with his project of this expedition, and entreated his aid, by aggravating his cenſures againſt the Scots, and not by the meaſure he had formerly uſed of ordaining a truce; Edward being now reſolved to obtain a perpetual peace by waging a more effectual war than he had hitherto done. For this purpoſe he again aſked the aſſiſtance of his

Rym. ib. 944, 945, 946, 955.

* In Leland's Collectanea, tom. ii. p. 464. it is related from Packington's Chronicle, That Lancaſter conſulting with the barons of his party at Pontefract, the barons were of opinion that they ſhould retire to Dunſtanburgh; but Lancaſter refuſed this counſel, leſt it might give cauſe to ſuſpect him of holding intelligence with the Scots, and ſo he reſolved to remain at Pontefract; upon which Sir Roger Clifford, ſon and heir of the lord Clifford who was ſlain at Bannockburn, drew his dagger, and threatened to kill him on the ſpot, unleſs he would go with the reſt of the barons; by which threatening, Lancaſter was determined to march northwards.

† The king, while at Pontefract, appointed keepers of the caſtles, lands, and tenements, of Lancaſter and the other condemned rebels. Richard de Emeldon was made keeper of thoſe that lay in the county of Northumberland and biſhoprick of Durham, and Roger de Horſely was commanded to deliver up to Emeldon the caſtle of Dunſtanburgh (a). Rym. ib. 941. Henry de Matton had the cuſtody given him of all caſtles and tenements that had belonged to Lancaſter in the counties of Weſtmoreland and Cumberland, and the caſtle and manors of Skipton in Craven and Burton in Lonesdale.

(a) Which having been a manor-houſe of the earl of Lancaſter, the king had allowed him to make it a caſtle, in the 9th year of his reign. Dugd. Bar. 780.

ſubjects

Edward II. K. of England. 1322.

ſubjects of Aquitaine; part of which was to conſiſt of two hundred *croſs-bowmen* *, and as many ſpearmen, of the ableſt of the dukedom, to be ſent to Newcaſtle, together with two thouſand quarters of wheat, and a thouſand caſks of wine, *to be ſent to the ſame place.* The Flemings, at that time, ſhewing their hoſtile ſpirit, by committing many violences at ſea, near the Engliſh coaſts, and obſtructing the importation of victuals requiſite for the Scottiſh war, Edward ordered a fleet to be fitted out from the Cinque-ports, and the ports of Norfolk and Suffolk, to defend the kingdom againſt theſe troubleſome neighbours.

Rym. ib. 949, 951.

Carte, ii. 359. Rolls.

A parliament held at York in the beginning of May, granted to the king, for ſerving in the Scottiſh war, a foot ſoldier out of every village in England; and a greater number out of the larger towns, to be maintained forty days at the expence of the inhabitants. The landed men gave a tenth; cities, burghs, and towns, a ſixth of moveables; the clergy, two years tenths, formerly allowed by the Pope, to be advanced in one year, and five pence beſides out of the merk: but this parliament having earneſtly requeſted a delay of the term for going againſt the Scots till the eve of St. James (24 July), the king conſented, and iſſued a new ſummons to all his military tenants to attend him on that day, with their ſervice, at Newcaſtle.

Rym. iii. 952, 953.

Holingſhed Sc. Chr. 224.

The delay of the expedition intended by the Engliſh, gave encouragement and opportunity to the Scots to make an inroad into England in June; but they made a much more formidable one in the beginning of July. In this incurſion Robert having, with a choice band of his men, entered England, nigh Carliſle, ſpoiled the monaſtery of Holm, and advanced thence along the coaſt to Lancaſter; where being joined by a body of his forces that had made their way through the interior parts, under the earl of Murray and the lord Douglas, he marched on to Preſton, eighty miles within England; and ſome of his marauders even ſpread themſelves ſeveral miles to the ſouth of Preſton. A few religious houſes were the only places that eſcaped the ravages made in this long progreſs; and the Scottiſh army returning with much booty, encamped five days nigh Carliſle, while their detachments deſtroyed the crop and every thing elſe in that neighbourhood ‡.

Rym. ib. 959, 960, 961.

Andrew de Hartcla, warden of the march in the counties of Cumberland and Weſtmoreland, and John de Penreth, who bore the ſame office in Northumberland, were ordered by the king, who was then at York, to arm all the horſe and foot of their diſtricts to oppoſe the invaders; and as the chief force of theſe was exerted in the weſtern parts, where Hartcla reſided and had the immediate command, the king gave him a farther charge to detain and to employ, in the defence of his diſtrict, all the footmen that had been granted by the parliament at York to the king, out of the towns in the counties of Northumberland, Weſtmoreland, and Lancaſter; and who were to have been conducted to the rendezvous at Newcaſtle. Hartcla was alſo commanded to give warning to the inhabitants of the weſtern march, to drive as faſt as they could all their beaſts towards Richmond, Cleveland, and other parts of Yorkſhire; where

* *Baliſtarii.*

‡ During this inroad the Scots were in England three weeks and three days, from July 1, to 24. Hol. ib.

the

he king had ordered a friendly reception to be given them; and had alſo forbidden his officers to employ violence in ſeizing for his uſe any of the cattle, or other goods of the refugees. The lord Henry de Beaumont received alſo a commiſſion to aſſemble and command all the king's forces, for protecting his people and repelling his enemies *. But this commiſſion was declared not to be meant, in any reſpect, to hinder the intendance before ordered to be given to the earl of Carliſle. Robert Brus, K. of Scotland. 1322.

It is probable that Robert's incurſion into England embarraſſed and retarded the military operations of Edward; who did not enter Scotland till nigh three weeks after the time of the appointed rendezvous of his army at Newcaſtle. Robert, inſtead of hazarding a battle againſt the invading army, which was very numerous, followed the example his enemies had ſet him in his late incurſion, by cauſing all cattle and proviſions to be carried out of the country through which the Engliſh marched; while he with his army lay at Culroſs, on the other ſide of Forth. The Engliſh advanced as far as Edinburgh, and remained there three days; but finding no ſupply of proviſions from a country wholly deſerted and deſolate, and ſtorms at ſea hindering the arrival of their ſhips, they were obliged, after fifteen days, to return to England, having undergone great diſtreſs from want of neceſſaries. In their return they wreaked their reſentment on ſome of the religious houſes; ſpoiling thoſe of Holyrood-houſe and Melroſe, and burning Dryburgh. At Melroſe they killed the prior William de Peebles, and ſome of his monks; and carried off the ſilver Pix, profanely caſting forth the Hoſt on the great altar. Ford. l. 13. c. 4. Walſ. Barb. 385. Ford.

Edward, ſoon after his return to England, appointed Andrew de Hartcla to be head-warden of Cumberland, Weſtmoreland, and the adjacent marches, and ſuperior arrayer and captain of both men at arms and foot of that diſtrict. David earl of Athol had the ſame power given him over Northumberland and the marches on that ſide. In virtue of this commiſſion, the conſtables of all caſtles in thoſe parts were ordered to allow free entrance of the ſaid earls into their caſtles, and to accompany them with their men, in going againſt the king's enemies; leaving only ſufficient garriſons for defending their caſtles †. John de Bermyngham juſticiary of Ireland, and who had been created earl of Lowth, for the great ſervice of vanquiſhing Edward Brus, was commanded, with his men of Ireland and others, to *exert his utmoſt vigour and diligence* in giving aid to the earl of Athol in his charge. Sept. 15. Rym. ib. 973. *curioſe et viriliter.*

Theſe precautions availed not to hinder the Scots from making a new irruption into England, very ſoon after Edward had left their country. Beſides their uſual ravages, they had, before the 20th of September, laid ſiege to Nor- Rym. ib. 975.

* Under Beaumont's ſtandard would naturally range themſelves, the people of his brother the biſhop of Durham; to whom the king made a grant, dated 22d July, that his ſending forth all his men between ſixteen and ſixty to ſerve againſt the Scots, in obedience to the king's command, which he had often done, ſhould not turn to his prejudice, nor be drawn into conſequence. Rym. ib. 964.

† Henry de Percy is required to be intending and obedient to the earl of Athol, leaving a ſufficient garriſon in his caſtle of Alnwick. Like orders were given to R. de Nevill, conſtable of the caſtle of Warkworth, Roger de Horſely, conſtable of the caſtle of Bamburgh, John de Lilburn and Roger Mauduyt, conſtables of Dunſtanburgh caſtle, the conſtable of the caſtle of Budhow, Richard de Emeldon, chief keeper of the king's town of Newcaſtle upon Tine. Rym. ib. 973.

Edward II. K. of England. 1322. ham-caſtle; in which ſiege they employed ſeveral engines and machines*. Edward was then at Newcaſtle, and ſummoned thither all his military tenants, with all the forces they could muſter, to march with him on the eve of St. Luke (Oct. 18.) againſt his enemies. This was but a ſhort term for collecting again the forces of England, after their late diſperſion, on their return from Scotland; but it was much too long for the Scots to await their arrival on the borders. Inſtead of this, after making great havock in many parts of the border-country, a choſen band, puſhing a forced march from the neighbourhood of Carliſle to the abbey of Byland †, in the foreſt of Blackamoor, in the north riding of Yorkſhire, where Edward at that time ſecurely reſided, ſurpriſed him; and preſſed him ſo hard, that, with difficulty, he could make his eſcape to Bridlington, leaving behind him his plate, furniture, and money, for a prey to his enemies ‡. Two very eminent perſons in the king's retinue, the earl of Richmond, and the lord of Sully, butler of France, while bravely oppoſing the Scots, were made priſoners; Edward retiring to York, for his own ſafety, and to give what aid he could to the adjacent country, was not able to hinder the Scots from continuing their ravages a conſiderable time in Yorkſhire; where they plundered Rippon, and raiſed a contribution of four hundred pounds from the canons and burgeſſes of Beverley §.

Hol. E. C. 332.

Oct. 14.

Rym. ib. 996.

A. D. 1323. The extreme diſtreſs of the Northumbrians, from the Scottiſh inroads, had impelled them, notwithſtanding former prohibitions of the king, to enter into treaties with the Scots, for obtaining ſome reſpite from their miſeries by truces. But the king was now grievouſly alarmed on this head, by diſcovering that Andrew de Hartcla, in whoſe proweſs and fidelity he had long ſo much confided, was privy to ſuch tranſactions, and even a principal party in them. The king, on receiving this information, commanded Hartcla to come to him immediately at Cowyck, to give an account of his conduct. This order Hartcla, from a conſciouſneſs of guilt, refuſing to obey, Edward notified by proclamation, to all the inhabitants of the northern counties, the treachery of Hartcla, in holding treaties, and making confederacies with the Scots, by a falſely alleged commiſſion and authority from the king; for which reaſon Edward declared, that he now revoked all the power and truſt he had formerly given him, and forbade his ſubjects, of the aforeſaid counties, to obey him any longer. The chief command on the marches, he now delegated to

Rym. ib. 983, 984. 993, 994.

Jan. 8.

Feb. 9.

* *Diverſis ingeniis et machinis.*

† According to Barbour, king Robert Brus in perſon, with his two great captains, Randolph and Douglas, were preſent in this expedition. The ſame author deſcribes a fierce conflict nigh Byland, wherein the Engliſh defended a narrow and ſteep paſs with great courage; but the Scots at laſt prevailed, by fighting bravely, and by the Highlanders climbing a craggy precipice, and falling on the Engliſh, who were at the head of the paſs. Barb. 388—392.

The epitaph of king Robert, in Fordun, l. 13. c. 15. ſays,

Poſt Biland potitur, victoria læta paratur,
Turba ruens rapitur, deciſio multiplicatur.

‡ The privy-ſeal was miſſing after this ſurpriſe; and a proclamation, with regard to it, was emitted, like that after the battle of Bannockburn. Rym. ib. 977.

§ In this incurſion the Scots remained in England a month and three days. Fab.

his

his own brother Edmund, earl of Kent, whom he appointed his lieutenant in thoſe parts, enjoining all the inhabitants to obey him, inſtead of Hartcla or his deputies. Robert Brus, K. of Scotland. 1323.

The king had given orders to Henry Fitzhugh, to ſeize Hartcla, and bring him a priſoner to his preſence. But this ſervice, as the hiſtorians relate, was performed by Sir Anthony Lucy, high ſheriff of Cumberland; who, aſſiſted only by his own retinue, bravely ſeized Hartcla in the caſtle of Carliſle, the chief ſeat of his command. The king being informed of this, while at Knareſborough, appointed five commiſſioners, having the earl of Kent at their head, to repair to Carliſle, and there to degrade, and give ſentence againſt Hartcla for his crimes. The king ſent them a ſchedule, which directed the judgment they were to give; and in which it is affirmed, That Hartcla had gone to Robert Brus †, and bound himſelf by oath and writing, to maintain to him and his heirs, the kingdom of Scotland againſt all men. It had been agreed between them, That Brus ſhould name ſix men, and Hartcla the like number, who were to ſettle all the great affairs of Scotland and England; and to maintain this alliance, Hartcla had traitorouſly cauſed Edward's ſubjects to ſwear. After degradation from his earldom and knighthood, by being ungirt of his ſword, and having his golden ſpurs cut off from his heels, he was to be drawn and hanged; his heart and entrails to be torn out, burnt, the aſhes caſt to the wind, and the body beheaded and quartered. The head to be ſet upon London bridge, and the quarters in the moſt conſpicuous places of Carliſle, Newcaſtle, York, and Salop. It is related, that Hartcla hated the younger Deſpenſer, and aſpired to marry a ſiſter of Robert Brus. He ſuffered in the ordinary place of execution at Carliſle with great fortitude; affirming to the end, that in his tranſactions with the king of Scotland, he had meant no hurt to his own king or country.

Rymer, ib. 988. Hol. E. Chr. 334. C. 360.

Rym. ib. 999.

March 3. Chr. Lan. in Tyr.

The deſtruction of Hartcla was ſoon followed by a ſhort truce between the kingdoms; which was an introduction to one of a much longer duration. The fate of Lancaſter, followed by that of Hartcla, fruſtrated the ſucceſſive attempts of Brus to diſtreſs Edward, by raiſing up adverſaries to him from among his own ſubjects. A change of adminiſtration having happened in Flanders, Edward made, about this time, a truce with the Flemings; by which the Scots were deprived of the ſupplies they uſed to receive from that country. The execrations of the church ſtill lying on Robert himſelf, his clergy, and people, gave uneaſineſs to them all. Henry de Sully, who was detained a conſiderable time priſoner in Scotland, joined his arguments and perſuaſions to the influence of the circumſtances juſt recounted, and was engaged or allowed by Robert to propoſe a truce to Edward, as a mean of paving the way to a negociation for peace. Edward having conſented to this truce, notified to his ſubjects the period of its duration; which was until the feaſt of Trinity. He engaged, on due requiſition, to redreſs any offences that ſhould be committed againſt it by his ſubjects; whom he prohibited to have any correſpondence with Robert and his adherents, or to go over to them,

Rym. ib. 981, 1006, 1007.

Rym. ib. 1003, 1002. March 14.

† At Lochmaben. Hol.

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without his ſpecial command. The ſheriffs of Northumberland and Cumberland were enjoined to proclaim this truce in proper places of their counties, and to cauſe it to be obſerved; on condition, however, of their being certainly informed, that this had been done on the ſide of Scotland. *Conſervators* of it were alſo appointed in Cumberland and Northumberland*, and William de Harle, was appointed to confirm it, by ſwearing on the ſoul of the king.

Rym. ib. 1004. 1007.

By a letter dated from Robert at Berwick to the lord Sully, ſeven days after the above-mentioned proclamation, it appears, that he had refuſed to conſent to the truce publiſhed by Edward; becauſe Edward, in his letters notifying it, deſcribes it as '*granted* to the people of Scotland, who were at war againſt him,' without making mention of himſelf (Brus) as principal on the ſide of Scotland, as Edward was on that of England, which had been done in former truces. He gently blames Sully for ſuffering ſuch a neglect; but taking for granted, that it would be amended, he deſires a ſafe-conduct for two knights and a clerk, who were ordained to paſs into England, to receive an oath, on king Edward's ſoul, for keeping the truce. Eight days after, the deſired ſafe-conduct was granted to thoſe who were to receive the oath; and at the ſame time a ſafe-conduct was given to Thomas Randolph, earl of Murray, and his retinue, of fifty horſemen, coming to Newcaſtle to treat of a final peace. Henry, lord of Sully, alſo received power from Edward to prorogue the truce for ſo long a time as he ſhould judge convenient, on the conditions that were expreſſed in the king's letters patent †.

April 2.

Rym. ib. 1012.

Edward uncertain of the ſucceſs of this negociation, and judging that the beſt way to render it effectual was to be well prepared for continuing the war, appointed the octaves of St. John Baptiſt (July 1.) for the day of rendezvous of all his military ſervice at Newcaſtle; and required the magiſtrates of the Cinque-ports to fit out a fleet for tranſporting forces from Ireland to Skymburneſs, to be employed in the intended expedition. For aiding him in the ſame work, he had ſome time before aſked a ſubſidy from the prelates of Aquitaine; giving them the uſual ſecurity againſt their compliance prejudicing them in future.

April 17.

Rym. ib. 1017.

It is probable ſome ſcruple and delay in carrying on the propoſed negociation had ariſen from Robert's refuſal to ſend his nephew Randolph into England, without receiving hoſtages for his ſecurity. This demand of hoſtages ſeems to have ariſen from the high dignity of Randolph, and the importance of his life to the king and kingdom of Scotland. For by the ſettlement that was made of the ſucceſſion of the Scottiſh crown, after Edward Brus was cut off in Ireland, and Robert Stewart, the king's grandſon by his daughter Margery, at that time an infant, became the heir apparent; Randolph was appointed by the king and ſtates to be the tutor of the king, and regent of the kingdom, upon the event of king Robert's death, while his grandſon,

In 1318 at Scone. Ford. l. 13. c. 13.

* Anthony de Lucy in Cumberland, and Ralph de Neville and Roger de Horſley in Northumberland.

† This power is dated at the Tower of London. Probably the king, on returning to his capital, had left Sully in the North, with a commiſſion for managing his affairs with the Scots.

or whoever elſe had a title to ſucceed to the crown, was a minor. To Robert, juſt about this time, was born of his wife his only ſon and ſucceſſor David *; by which means the probability was increaſed of a minor ſucceeding to the crown, and of the charge of the king and kingdom devolving on Randolph. And Randolph being a perſon who, by his great talents and atchievements, had acquired the higheſt confidence of his countrymen, and had received the greateſt proof of it they could give, in their conferring upon him the guardianſhip of their prince and themſelves on the king's deceaſe, which was moſt likely to happen while his ſon was a minor, it appeared to them reaſonable that Randolph ſhould be diſtinguiſhed from other ſubjects, and his ſafety effectually provided for, by having an extraordinary ſecurity given for his ſafe return to his own country. Accordingly Edward engaged to give Randolph honourable reception and treatment, with liberty to return to Scotland at his pleaſure; and that hoſtages for ſecuring this, ſhould be delivered at Tweed-mouth, upon Randolph's entering Engliſh ground, with condition that theſe hoſtages ſhould be ready at the ſame place to be exchanged for him, on his return: all which was confirmed by an oath that William de Herle, Edward's envoy to the Scottiſh court, was appointed to ſwear on the king's ſoul.

Robert Brus, K. of Scotland. 1323. March 5. Ford. l. 12. c. 5.

Rym. ib. 1017.

In the end of April, to give more time to the negociators to finiſh their work, there was a prorogation of the truce until the fifteenth day after Trinity; and before this term expired, a truce was concluded at Biſhop's Thorp, near York; firſt to continue till the 12th of June, and then for the ſpace of thirteen years. The commiſſioners had their firſt meetings at Newcaſtle †; where finding difficulties ariſe, which hindered at that time the concluſion of a final peace, they ſet about negociating a truce; and to carry on this with more certain and ſpeedy effect, the Scotch commiſſioners agreed to come to the preſence of the Engliſh king at Thorp; where the whole matter was ſolemnly debated in the king's council, and, with their advice, the treaty was concluded on the following conditions ‡.

May 30.

Whatever was occupied or held by either party from the other, was to be reſtored and evacuated before the 12th of June. Debates that ſhould ariſe,

Rym. ib. 1022, 1024.

* Fordun ſays, That the Engliſh this year ſought a truce from the king of Scotland; and that for the joy of this birth, it was granted them for a year. Ford. l. 280.

† The Engliſh commiſſioners were Aym. de Valence, earl of Pembroke, Hugh le Deſpencer the ſon, Mr. Robert de Baldok archdeacon of Middleſex, William de Harle knight, Will. de Ayremyne canon of York, Geffrey le Scrop; and thoſe for Robert Brus were, William biſhop of St. Andrews, Thomas Randolph earl of Murray, John de Meneteth, Robert de Lowedre, the father knights, and maſter Walter de Twynham clerk.

‡ The parties are deſcribed to be, Edward for himſelf and all his dominions; and the commiſſioners of Scotland, for le Sire Robert Brus, his ſubjects, adherents and aiders, and for the country of Scotland with its appurtenances.

The lord Henry Beaumont, though a baron of the realm, and ſworn both of the great and privy council (as the record expreſſeth), being required to give his advice concerning this truce, irreverently anſwered, *That he would give none therein*; whereat the king in anger commanded him to depart the council; on which he went out, ſaying, *He had rather be gone than ſtay*; which expreſſion gave ſuch diſtaſte, that, by conſent of all the lords there, he was committed to priſon. Whereupon H. de Percy and R. de Neville became his ſureties, that he ſhould appear upon ſummons; but the king was ſoon after reconciled to him. Dugd. ii. 50.

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with regard to the obſervation of the truce, were to be decided without delay, by the conſervators on both ſides; or, when the conſervators were not able to determine them, they were to be laid before the kings, to be ſettled by their councils or commiſſioners. No fortreſſes were to be erected or repaired, except thoſe already made, or now making; on the part of England, on the lands that lay between Scotland, and the mouth of Tine, and along the Tine to South Tine, in South Tindale, or in the county of Cumberland; and, on the part of Scotland, in the ſheriffdoms of Berwick, Roxburgh, or Dumfries. The ſubjects of the two countries were to have no intercourſe without a ſpecial allowance; except the conſervators, who might meet at their own pleaſure on the marches, or where they thought fit, in the execution of their office. With regard to ſhips of Scotland, driven on the Engliſh coaſt, the article was juſt the ſame as in the laſt truce of Dec. 1319; with the addition, that the ſame regulations ſhould extend to people and merchants of whatever nation, having their reſidence in Scotland and their goods; which merchants, or others, might victual and ſtay in ſafety, until they could conveniently remove. Stranger merchants were not to be diſturbed in the importation of goods into the one or the other country, if theſe merchants were not of a country that was at war with the one or the other. Perſons aggrieved or damaged, in violation of the truce, might ſafely, without leave, paſs to the conſervators on the one or other ſide, to proſecute their complaints; in which treſpaſſes common law was to be executed, as in the time of peace; or if they belonged to the march-law, proceedings were alſo to be the ſame as formerly in time of peace. Edward was not to oppoſe Robert Brus, or others of Scotland, in ſeeking from the Pope abſolution of ſentences, or proceſſes againſt them; but this abſolution was not to extend beyond the expiration of the truce, if before that term a peace were not concluded. Edward engaged to give no aid to any perſon or party warring againſt Robert, nor to reſet them in his dominions; ſaving his alliance with the king of France. Sufficient conſervators of the truce were to be appointed for maintaining it in all points, and for giving ſpeedy redreſs of all violations. This treaty was confirmed by an oath, which the earl of Pembroke took, on the king's ſoul, and by the oaths of the earls and barons of England, who were with the king at York. And it was, in like manner, with conſent of the biſhops, earls, and barons of Scotland, ratified at Berwick by Robert Brus *; who cauſed his nephew Randolph ſwear to the obſervation of it, on his (Robert's) ſoul; and alſo all his earls, with the ſteward of Scotland, and ſeveral of his chief barons, to give their oaths for confirming it. William Latimer and William Harle were ſent to Berwick, to receive theſe oaths for their maſter; and had it alſo in charge to receive the hoſtages that had been given for the ſecurity of Thomas Randolph earl of Murray †.

June 7.

* In the inſtrument of this ratification, the title of King is not annexed to the name of Robert Brus in the beginning; but in the end of it, he calls himſelf *king of Scotland*. *Nous Robert Roi d'Eſcoſſe avant dit*.

† Latimer had alſo a particular charge given him of the Scottiſh commiſſioners, who had concluded this treaty, to conduct them back to Scotland. Rym. ib. 1025.

On

Robert Brus, K. of Scotland.

1323. June 1. Rym. ib. 10. 26.

On the part of England, conſervators of this truce were appointed on the Northumbrian and Cumbrian march, three for each *. Theſe conſervators had power to chaſtiſe and puniſh the violators of it, agreeably to the form of the truce, and the nature of their office; with a ſalvo of amerciaments and other things that belonged to the king; and the ſheriffs were enjoined to give their aid, as in the appointment of the conſervators of the truce of 1319.

Rym. tom. iv. 28, 29, 46. 47. 68.

As it was a principal object of the Scottiſh king in agreeing to a truce with England, to make his peace with the Pope, he ſent to the court at Avignon, ſoon after the truce was concluded, his nephew the earl of Murray; who appears to have been the man of his chief confidence in all his affairs †. Randolph came into the Pope's preſence, in the character of a pilgrim, who had vowed a journey to the Holy Land; ſupplicating from the Holy Father leave to perform his vow, together with the indulgences that were uſually given to croiſes. He informed him alſo of the deſire his maſter had to undertake the ſame journey, in company with Charles king of France ‡. The Pope could not give his countenance to either of theſe propoſals, while the king and nation of the Scots lay under the malediction of the church, and were at enmity with England. Randolph expreſſed the moſt earneſt deſire that theſe diſqualifications ſhould be removed; but at the ſame time aſſured the Pope of Robert's perſiſting in his reſolution to receive no letters from him, while he refuſed to addreſs him as king of Scotland. The Pope writing to the king of England an account of this tranſaction, at which Henry lord of Sully, who had laboured ſo ſucceſsfully for the truce of thirteen years, was preſent, expreſſed his inclination to give to Robert the ſo much deſired title of King, as conducing to peace, and not eſſentially hurting Edward's rights. But Edward viewing it in a different light, entreated the Pope to refuſe it. His entreaties and intereſt at the papal court prevailed, and fruſtrated all the efforts of the Scottiſh envoys to procure the Pontiff's abſolution and friendſhip §.

Dan. iii. 380, 382.

Notwith-

* Thoſe for Northumberland were, Ralph de Neville, Roger de Horſely, and Richard de Emeldon, or two of them; and for the county of Cumberland, Ralph de Dacre, John de Havering, and Adam de Skelton: but on July 3, the king nominated Robert de Umfranville earl of Angus, Roger Heyroun, Roger de Horſely, or any two of them, to keep foreſaid truce from its beginning until the twelfth of June enſuing, Ib. 1026.

† Randolph is only mentioned in the Pope's letter, but from the treaty with the king of France, which ſeems to have been concluded during this journey of Randolph into that kingdom, it appears, that Robert Keith marſhal of Scotland, and Adam Murray doctor of law, were his fellow-ambaſſadors. Aberc. i. 616.

‡ Philip le Long had left it in charge to his brother and ſucceſſor Charles the Fair, to undertake the expedition to the Holy Land, which Philip himſelf had always intended to make; and Charles, in the beginning of his reign, ſent ambaſſadors to the Pope to concert this expedition; but other affairs intervened. Dan.

Abercr. i. 616, from Collection of Treaties, Amſt. 1700.

§ The envoys of Robert Brus had better ſucceſs at the court of France, where Charles IV. conſented to the renewal of the ancient league with Scotland. By this each of them were engaged to wage war with England, when required to do ſo by the other, and neither of them was to make a peace or truce without comprehending the other in it: Robert Brus, however, declaring himſelf free from the effect of this engagement, during the term of his late truce with England. There was alſo an article about the ſucceſſion to either of the crowns, which, if on a vacancy of the throne it became doubtful, was to be determined by the judgment of the principal lords of the two kingdoms,

Edward II. K. of England.

A. D. 1324.

Notwithſtanding the oppoſition the Scots met with at the papal court from Edward, he appears to have taken care to maintain the truce, and to have given proper orders for remedying treſpaſſes againſt it *. He alſo appointed ſome of the moſt eminent men nigh the marches, to receive to his peace and fealty ſuch as had been driven by their poverty and other neceſſities to adhere to the Scots, and now inclined to return to their allegiance to Edward; provided that they had not poſſeſſed lands or tenements in England, were of good fame, and that nothing contrary to the truce ſhould be done with regard to them. Their names were alſo to be notified to the king, who was likewiſe to be informed concerning the names and conditions of any Scotchmen, who ſhould offer their faith and peace to him, that he might adviſe with his council about what ought to be done with them.

Rym. ib. p. 59, 60 June 12.

Toward the end of this year †, on the earneſt recommendation of the Pope, a meeting was held at York of commiſſioners from both kings for treating of a final peace. The Engliſh liſt of commiſſioners conſiſt of twelve; and the D'Eſpenſers, father and ſon, were two of that number ‡. The envoys from Scotland were eight, having at their head the biſhop of St. Andrews and the earl of Murray; and the charge of conducting them in ſafety to York was intruſted to Robert de Umfranville earl of Angus, and Ralph de Neville, or either of them. The Scots, probably encouraged by the breach that had happened about this time between France and England, made ſuch demands as Edward, writing about this treaty to the Pope, declares he could not grant without the manifeſt exheredation of his crown. The Engliſh offered to ſubmit certain doubtful articles to the determination of the Pope; but the Scots refuſed to make this ſubmiſſion.

Rym. ib. 86. 103, 104. 140, 148.

A cotemporary writer gives a more particular account of this tranſaction. According to him, the Scots demanded an entire exemption from all homage to the crown of England, with the property of the north of England as far as York; to which city they had frequently extended their incurſions in the courſe of the late war. They demanded the reſtitution of certain manors in Eſſex, which had been forfeited to king Edward I. upon Robert Brus's ſeizing the crown of Scotland. They required alſo the chair of Scone, in which was the fatal ſtone, to be reſtored, and propoſed an alliance between Robert's daughter and prince Edward of England. The anſwer made for the king of England to theſe demands, was, in general, that they tended to the revival of ſtrife and breach of the truce, inſtead of conciliating a laſting peace;

Mon. Malm. 229,—238.

P. Daniel, tom. iii. 397, 398.

kingdoms, which deciſion the other king was to ſupport with all his might, even ſo far as to go in perſon with a great force to defend the lawful heir. P. Daniel places this league in 1324, but Abercromby in April 1326. (The firſt account agrees much better with its being concluded by Randolph and his fellow-envoys to the Pope.)

* Such were committed by John de Glinton keeper of the Water of Sulewath; who, under pretence of that commiſſion, had ſeized ſeveral Scotchmen, and delivered them to the ſheriff of Cumberland. The king orders the ſheriff to carry theſe men before the wardens on their march-days, *(dies ſuos marchiæ,)* to receive juſtice. Rym. ib. p. 59.

† Carte is miſtaken in placing this negociation in the end of the former year. Carte, ii. 361.

‡ William de Herle, who was one of the commiſſioners for holding this treaty, had an order for ten merks out of the treaſury for his expences. March 5. Rym. ib. 139.

in

in particular, that he could not, without injury to his crown, give up the rights his anceſtors enjoyed in Scotland; that the inroads of the Scots could be no foundation of right to lands which they never quietly poſſeſſed; if incurſions gave ſuch a right, the greateſt part of Scotland muſt belong to him; that he would not reſcind his father's act, by which the lands held in England by Robert Brus had been forfeited. He rejected the propoſed match as unequal and diſhonourable; but with regard to the chair of Scone, obſerved, that it was too frivolous to be a ſubject of contention, if other diſputed articles had been agreed. Robert alleged in the beginning of this negociation, that he could not warrant the keeping of the truce by his ſubjects, ſo long accuſtomed to war and plunder, if it were not changed into a final peace; but although the projected peace failed in the manner above related, the truce continued to be obſerved *. Robert Brus, K. of Scotland. 1324.

The time of this negociation for a peace between England and Scotland coincided, as was before hinted, with the beginning of a war between England and France; which, in its conſequence, proved fatal to the unfortunate king of England. This war took its riſe from Edward's delaying to pay homage to his brother-in-law Charles the Fair, for the provinces of Guienne and Ponthieu. The D'Eſpenſers had greatly offended the queen, and were afraid to accompany the king to France, where they would be expoſed to the revenge of the queen's powerful relations; and they were equally afraid to remain at home, during the abſence of their maſter, leſt the Lancaſtrian faction ſhould riſe up againſt them. After Guienne had been invaded by a French army in Auguſt 1324, and a body of forces had been ſent over to its aid, which the king propoſed greatly to augment, by conducting thither an army in perſon, he had aſſurances ſent to him from the French court, that the preſence and mediation of the queen with her brother, would be the moſt effectual method of bringing about a peace. Edward giving his approbation to this propoſal, the queen paſſed over to France in March; and on the laſt day of May a treaty of peace was concluded, by which Edward engaged to pay homage in perſon to the French king at Beauvais in Auguſt. But an illneſs, real or feigned, being alleged by Edward as an excuſe for his not paſſing over to France at the time prefixed, an offer was made by the French king to accept

Carte. P. Dan. tom. iii.

Rym. ib 140. A. D. 1325.

Dan. iii. 388.

Rym. ib. 163.

* On April 14, Robert Umfranville earl of Angus being dead, William Rydel and Gilbert de Byrondon, were appointed in his place, and conjoined with Roger Heyron and Roger Horſely, as conſervators of the truce in the parts of Northumberland. Rym. ib. 144. And on May 8, Ralph de Dacre being gone to Aquitaine, and Adam Skelton being lately dead, to ſupply their place as conſervators of the truce on the Cumbrian march, Peter de Tylliol and Alan de Grymmeſdale were appointed, in conjunction with John de Harrington.

On the 20th of July, the king being then reſolved to paſs over into France, added Henry de Percy, John de Clavering, and Ralph de Neville, to the conſervators of the truce appointed on the 14th of April. Of the ſame date, Percy, Claveryng, and Neville, have a commiſſion to guard the coaſts of Northumberland, and to repel all invaders. Rym. ib. 158.

On the 25th of March in the following year, the king wrote to Henry Percy and his fellow-conſervators, blaming them for their granting raſhly and indiſcriminately letters of ſafe-conduct to the Scots and their adherents for entering England, which could not but be detrimental and dangerous to his kingdom. He therefore forbids giving ſuch letters for the future, except in ſtrict conformity to the truce. Ib. 198.

of

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of the required homage from prince Edward, the king of England's eldeſt ſon, upon his father's making a ceſſion to him of his French dominions. The unwary monarch, by the advice of his favourites, agreed to this propoſal; and by doing ſo, put both his queen and the heir of his crown out of his power; at the ſame time furniſhing them, by the ceſſion juſt mentioned, with an ample revenue for their ſupport. The queen, ſoon after the arrival of her ſon in France, declared her reſolution not to return to England; unleſs the D'Eſpenſers were firſt removed from the councils and court of her huſband. To accompliſh this, which was not to be effected otherwiſe than by force, ſhe began to threaten an hoſtile deſcent on England. The exiles of the Lancaſtrian faction flocked around her at the French court; among which Roger Mortimer, who had made his eſcape out of the Tower, and taken refuge in France, was diſtinguiſhed, by a peculiar degree of her favour. The friends of theſe exiles and enemies of the favourites, were by far the greateſt and moſt numerous part of the king's ſubjects at home; and, from theſe circumſtances, the king was kept in a moſt diſtreſſing dread of a deſcent and inſurrection for many months before they happened.

Rym. ib. 149. 177.

During this interval the Scots were again ſoliciting the Pope for a relaxation of his cenſures; for which purpoſe they ſent envoys to him, in the ſummer of 1325; but they ſtill requeſted this relaxation in vain. And it ſeems not improbable, that king Robert's earneſt deſire of being reconciled with the Pope, who, in the ſtrife between Edward and his queen, declared himſelf ſtrongly on the ſide of the former, was a reaſon for his not entering into ſuch engagements with the rebellious faction in England as he had formerly done. Perhaps alſo he was diſcouraged by the bad ſucceſs that had formerly attended the enterpriſes of his allies of that ſort. Only a little before the cataſtrophe that proved fatal to Edward *, this prince had agreed to ſend ſpecial envoys or commiſſioners, to terminate, in conjunction with others of the like character from the king of Scotland, certain diſputes ariſing from outrages which Robert alleged had been committed by the ſubjects of Edward, in violation of the truce; and which were of ſuch a nature as could not be redreſſed by the conſervators of the truce, but behoved, according to the late treaty, to be referred to the kings themſelves, or their ſpecial delegates.

Aug 29. A. D. 1326. Rym. ib. 224.

Ab. p. 582.

Edward's queen, bent on revenge at whatever price, ſeduced the prince from his duty and allegiance to his father; and, although he was not yet fifteen years old, contracted a marriage for him with Philippa, a daughter of the earl of Hainault. The view of this alliance was to obtain a military and naval aid, which was ſtrengthened by the ſecret aſſiſtance of France, and with which, under the command of J. de Beaumont, the earl of Hainault's brother, ſhe landed on the coaſt of Suffolk from Dordt in Holland, about the end of September. The king, deſerted by the citizens of London, and al-

* He had, in June, ſent three envoys to Robert de Brus, to explain his mind about certain articles in the late truce; and Weelle, one of theſe, was in the end of Auguſt impowered, in his maſter's name, to agree to a day and place for a meeting of commiſſioners. Rym.

moſt

moſt all his nobles †, and even by the earls of Norfolk and Kent his own brothers, was ſoon reduced to the laſt extremities. His favourites the D'Eſpenſers were ſeized, and executed as traitors. He himſelf, after attempting in vain to paſs over to Ireland, was found lurking in Wales, made a priſoner in Kennelworth caſtle, and ſoon after compelled to reſign his crown; to which a parliament, conſiſting almoſt wholly of the queen's faction, and ſeconded by the people of London, raiſed his ſon, by a reſolution made on January 13. By the ſame authority this hopeful young prince was crowned on the firſt of the enſuing February; and a council of regency, conſiſting of five biſhops and ſeven lay-lords, appointed for managing the affairs of the nation during his minority.

Robert Brus, K. of Scotland. 1326.

A. D. 1327. Edward III. K. of England.

It is related by the Engliſh hiſtorians, that, on the night of Edward III.'s coronation, the Scots made an unſucceſsful attempt to take the caſtle of Norham by ſurpriſe ‡. This might have been the enterpriſe of ſome unruly borderers, without the knowledge of their king: and that it was not the immediate cauſe of a rupture between the kingdoms, appears from the commiſſion given by the new king of England to five perſons, the firſt in the liſt of them being Henry de Percy *, to be keepers of the truce with Scotland; in the introduction to which, it is declared to be the king's pleaſure to have this truce inviolably obſerved. And, conformably to this declaration, the abbot of Rievalle and Jwo de Aldburgh had, ſoon after, powers given them to ſwear on the king's ſoul to the obſervation of this truce; which the king had by his letters patent accepted and approved. They were empowered likewiſe to agree to a certain place and time for a meeting of commiſſioners from Edward and Robert, for negociating a final peace. Henry de Percy had recommended himſelf to the queen's favour, by coming, with other northern lords, to join her at Glouceſter about a month after her landing in England. He was appointed one of the council of regency; and having undertaken, on the 14th of February, the keeping of the march towards the northern parts §, until the enſuing Whit-Sunday, with one hundred men at arms and the ſame number of hobelars ‖, and as many of his own men as he choſe to employ, he received out of the royal treaſury 1000 merks as full wages ** for that ſervice.

Hol. Hiſt. Sc. 227. from Ric. Southwell.

Feb. 15. Rym. ib. 256. 271.

March 4.

But it ſoon appeared that a far greater ſtrength than that which was to ſerve under the lord Percy, would be requiſite for the defence of the Engliſh

† The only two of the old nobility that continued faithful to the king were, the earls of Surrey and Arundel, the former of which earls was in the north, guarding the marches againſt the Scots. Carte, iii. 374.

‡ The governor, Robert Manners, appriſed of the deſign by one of the garriſon, a native of Scotland, and intruſted with the ſecret, after he had allowed ſixteen of the Scots to ſcale the walls, fell upon them, killed the greateſt part, and made the reſt priſoners.

* The reſt were, Ralph de Neville, Roger Heyron, William Rydell, and Gilbert Boroughdon. The terms of the commiſſion are the ſame with that of June 1, 1323.

§ The diſtinction is here manifeſt between the office of warden of the march, *cuſtos marchiæ*, and keeper of the truce, *conſervator treugarum*.

‖ Hobelars, light-armed cavalry, mounted on ſmall ambling or hobbling horſes.

** For wages, replacing of horſes *(reſtauro equorum)*, and all other things.

Edward III. K. of England.

1327. May 17.

march. For, although Robert Brus had conſented to a meeting on the marches, to be held on the Sunday before the feaſt of Aſcenſion, for treating of a final peace, the Engliſh regency were informed, that he had given orders to all his power of Scotland to be aſſembled on the march, on the very day that was prefixed for commencement of the treaty; and that, if he could not have a peace on his own terms, he purpoſed to invade England, notwithſtanding the truce. And this was ſo firmly believed, that a ſummons was iſſued to all the military vaſſals of the king of England, to attend him on the Monday before Aſcenſion-day (May 18), with their whole ſervice, at Newcaſtle on Tine, in order to repel the invaders; and, if his council ſhould judge it expedient, to march further againſt them, for the recovery of the rights of his crown †. On the ſame day the naval force of the ſouthern ports was ordered to be at Skimburneſs, near the mouth of the Tees. And in the end of the month, the king applied to the cities and great towns of his kingdom, to ſend to him, for defence of themſelves and the whole nation, ſome of their beſt men, mounted on horſes of thirty or forty ſhillings value, to accompany him, on his pay, in the intended expedition; giving his promiſe, that the compliance of the towns with this requeſt ſhould not in future turn to the prejudice of their liberties; and that in due time he would ſatisfy them for their expences in furniſhing the aid now deſired.

April 5. Rym. ii. 282, 284, 287.

April 29.

Rym. ib. 292.

Mean time, according to the agreement lately made, commiſſioners were appointed by the king of England, to treat of a peace, at a meeting on the march ‡. But the Scots, notwithſtanding the depending negociation, evidently diſcovering hoſtile intentions, Thomas of Brotherton, duke of Norfolk and marſhal of England, and uncle to the king, was ſent to Newcaſtle to command a conſiderable body of good forces aſſembled there, about the middle of May, which had been prefixed for the general rendezvous; and to Carliſle, the key of the kingdom, on the other ſide, were ſent the lords Robert Ufford and John Moubray, with a reinforcement to the lord Anthony Lucy of Cockermouth, who was then governor of the town and caſtle of Carliſle.

Dugd.

Towards the end of May, the king and royal family came to York, as a fit place for awaiting the motions of the Scots, and collecting the national forces to oppoſe them. Thither came alſo the lord John of Hainault, whoſe former ſucceſs in avenging the queen againſt the Spencers, and in raiſing the young king to the throne, encouraged to the purſuit of new glory, by repelling and ſubduing his enemies. A gallant body of Flemiſh horſemen accompanied him; who having fallen into a bloody ſtrife with the Engliſh archers at York, were, in the progreſs of the expedition, with difficulty protected from their revenge.

† Carte, from Rolls, ſays, that the chief command of the army was veſted in the earls of Lancaſter and Kent, ii. 390.

‡ The commiſſioners appointed were nine; the archbiſhop of York, the lords Henry Percy and Henry Beaumont being of the number; and Jwo de Aldeburgh was ſent before to ſettle the time and place of the meeting, and what was neceſſary for the ſecurity of the commiſſioners on both ſides. Rym. ib.

The Scots not being contented in their demands, and rejecting with diſdain the propoſals of the Engliſh commiſſioners, as tending only to amuſe and delude them, made an inroad into England about the middle of June, laying waſte all before them with fire and ſword. This gave ſuch an alarm at York, that the arrayers and ſub-arrayers of the adjacent parts, whom the late king had appointed for raiſing the whole poſſés of horſe and foot to repel ſuch inroads, were empowered and ſtrictly enjoined to aſſemble theſe, and to conduct them, properly armed and arrayed, to the king at York; in which ſervice the ſheriffs were alſo required to give their aid. But the progreſs of this incurſion of the Scots doth not ſeem to have been anſwerable to the alarm it gave; and it is likely, that the Engliſh forces on the marches, with thoſe that had been ſent to their aid, were ſufficient to oblige the invaders ſoon to return to their own country *.

Robert Brus, K. of Scotland.

1327

Rym. ib. 287. Ford. l. 13. c. 12.

But before the middle of next month, a much more formidable band entered England, nigh Carliſle, under the command of the earl of Murray and lord Douglas. This army conſiſted of twenty-four thouſand horſe, the knights and eſquires being mounted on handſome able ſteeds, and the reſt on hardy nags of a ſmall ſize. They marked their way with the uſual devaſtations, and penetrated through Cumberland into the ſouth-weſtern parts of Northumberland; and thence into the weſtern parts of the biſhoprick of Durham, which are very wild and mountainous.

Froiſ. tom. i. c. 18, 19. Barb. Bruce, 403—422. Ford. l. 13. c. 8.

The king of England was at Durham on the fifteenth of July, in his way to meet the invaders; but his army, which, according to ſome accounts, conſiſted of one hundred thouſand men †, was far too numerous and too much encumbered, to follow the Scots through the deſert and rugged paths through which their ſkilful and experienced leaders induſtriouſly led them; in the view of exhauſting their enemies with toil, hunger, and watching, and of finding ſome favourable ſituation for attacking them. The Engliſh army, after a vain, fatiguing purſuit of three days, reſolved to croſs the Tine, and wait on the ſide of that river the return of the Scots homewards; but they waited a week in vain, to their own great diſtreſs, from heavy rains falling on them unſheltered, great ſcarcity of food for men and horſes, and the difficulty and danger of paſſing and repaſſing the river. Wearied with theſe hardſhips, after they had repaſſed the river, they engaged in a new purſuit; but having loſt all certain intelligence of the motions or place of their enemies, a reward of land, of the value of 100 l. a year, during life, together with the honour of knighthood, was offered, by a proclamation made throughout the army, to any perſon who ſhould conduct the king to the ſight of his enemies, in a place where he might approach them on dry ground.

Rym. ib. 312.

The offered reward was gained by Thomas de Rokeby, who riding forth with ſeveral other adventurers, to make the deſired diſcovery, was taken priſoner by

* Yet it is ſaid, in Lel. Coll. from Sc. Chr. (ii. 551) that the unſkilfulneſs of the Engliſh leaders in war, hindered them from going forth againſt lord Douglas, although he burnt the country within three miles of Newcaſtle.

† In Leland's Collect. i. 475. it is ſaid, that this was the faireſt hoſt of Engliſhmen that ever was ſeen.

Edward III. K. of England; 1327.

ſome of the advanced guards of the Scotch army. Being carried before the leaders, and declaring to them his purpoſe in approaching ſo near, he was immediately ſet free, in order to carry to the king of England the information he ſo much deſired. The Scots were then encamped at the diſtance of a few miles, on a hill whoſe foot is waſhed by the river Were; from which river, the adjacent tract, in the weſtern part of the biſhoprick, is called Were Dale. They moved in a few days to another hill of a ſimilar ſituation in Stanhope-Park; but which was rendered ſtronger than the former by a wood. The Engliſh army marching to the ſide of the river, in each of theſe ſituations, endeavoured all they could to bring their enemies to a battle; but could not paſs a rapid ſtream with a ſtoney bottom, and mount the hill on the other ſide, without being expoſed to the greateſt hazard. They made an offer to leave room to the Scots for drawing up their army, if they would deſcend from their height, croſs the river, and fight on equal ground; but the Scottiſh commanders were too ſagacious and ſteady to be moved by this bravado.

Mean time there were rencounters between adventurous knights with various ſucceſs. But theſe were frivolous, when compared with an exploit of the lord Douglas; who, on the ‡ firſt night of the encampment of the Scots in Stanhope-Park, having croſſed the Were, at a conſiderable diſtance above the ſituation of the armies, entered the Engliſh camp with a party of two hundred choice horſe. This reſolute band, with their valiant leader, forced their way, through great ſlaughter of their enemies, to the royal tent, whereof they cut two or three cords; and the king narrowly eſcaped, at the expence of the lives of his chamberlain and chaplain. An alarm was by this time raiſed, that compelled Douglas to retreat; which he did, with his uſual aſcendant of courage, and with the loſs of only a few of his men *.

The Scots having, by the brave enterpriſe of Douglas, taught their enemies to keep ſo ſtrict a watch as deſtroyed their hope of ſucceeding in any future ſudden aſſault, and beginning alſo to be diſtreſſed by ſcarcity of proviſions, particularly from the failure of their oat-meal, did at laſt reſolve on a retreat to their own country. This is ſaid to have been conducted by the addreſs of the lord Douglas; who, in a dark night †, led the Scottiſh army over a moraſs, two miles broad, formerly deemed impaſſable, by the help of flakes made of branches cut from the wood in the neighbourhood of their laſt encampment; and which caſting before them into the broken parts of the bog, as they advanced through it, they led their horſes over theſe parts. By this means they had croſſed the bog, and were ſeveral miles on their march toward Scotland, before the Engliſh knew they were gone. What ſerved farther to prevent this diſcovery, was a falſe alarm that had been conveyed to the Engliſh camp, by a captive from the Scottiſh, who had probably on purpoſe expoſed himſelf to be taken, and who informed the Engliſh leaders, that the army of his countrymen had received ſtrict orders to be ready on the enſuing

Barb. R. B. 419, Hard.

‡ Barbour places this adventure on the night before the Scots ſet out on their return, p. 418.

* Carte, from Annal. ad Ann. 1377, ſays, that the greateſt part of Douglas's followers were killed; not above forty of them eſcaping.

† Dark moonleſs night. (Carte, from Annal. ad Ann. 1377).

night

night to follow the banner of Douglas. It was not doubted that an attack was intended to be made on the Engliſh camp; and to receive this the army was drawn up in fit array, and kept under arms till the following morning; when two Scottiſh trumpeters, on purpoſe left behind, brought the firſt information of the ſudden motion of their countrymen: who arrived on the Scottiſh ſide of the march on the third day after, being the eve of St. Laurence ‡.

Robert Prus, K. of Scotland. 1327. Aug. 9.

The Engliſh who paſſed over to view the deſerted camp, ſaw in it proofs of that ſimplicity and hardneſs of living, which gave their enemies, when under proper direction, a ſuperiority to forces far more numerous and regular, but at the ſame time more luxurious than themſelves. The ſkins of the beaſts they had ſlain for food, being in the form of a bag, ſuſpended looſely on ſtakes, were hanging over the remainders of the fires; theſe hides ſerving as kettles for boiling their fleſh. A great number of ſpits had meat on them ready for roaſting. Many carcaſſes of black cattle, and of red and fallow deer were alſo found; with ſome thouſand pairs of ſhoes made of raw hides. The beaſts on whoſe half-boiled fleſh they chiefly fed, were the ſtores of the mountains and fields they traverſed and ravaged. The reſt of their proviſion conſiſted of oatmeal, which they were wont to carry in bags behind them, and of which they made a thin paſte that they baked into cakes, by the help of iron plates truſſed in their ſaddles. Their drink was from the neareſt fountain, ſtream, or lake *.

On the day following the retreat of the Scots, the king being ſtill at Stanhope, a ſummons was iſſued for the meeting of a parliament at Lincoln, on September 15th, in order to conſult about the defence of the kingdom againſt the Scots; who having 'contemptuouſly refuſed to enter into a treaty of 'peace, and entering England with an army, had committed great devaſta-'tions, and when this army was beſet by the army of England as cloſely as 'poſſible in the park of Stanhope, the former ſecretly and in the night made 'their eſcape out of the park, like vanquiſhed men, and returned toward 'their own country; ſome of them being purſued and ſlain by a part of the 'Engliſh army †: yet as the king was informed, they purpoſed again to aſ-'ſemble and perpetrate farther miſchiefs.' Notwithſtanding theſe apprehenſions, the Engliſh army, very much diſtreſſed by their ſhort campaign, were diſmiſſed; and the Scots ſoon after laid ſiege to the caſtles of Norham and

‡ Murimuth, and Walſingham from him, ſays, that the Scots, though only about a third of the number of the Engliſh, eſcaped from them, after being beſieged fifteen days in Herdale (i. e. Weredale) by the treachery of ſome of the great men of England. In Leland, Coll. i. 475. this treachery is aſcribed to Mortimer, who by his artful practices, influenced Thomas the earl marſhal to oppoſe an engagement; and by this oppoſition, and other arts, hindered the earl of Lancaſter and John of Hainault from fighting the Scots, although they inclined to it.

* This famous road of the Scots, Froiſſart has related very circumſtantially; from the informations, no doubt, of his countrymen the Flemings, who had ſo conſiderable a part in it, and to whom the face of the country, the manners and arts of the Scottiſh warriors, and the circumſtances attending the vain purſuit of them, were probably new and ſtriking.

† Theſe, according to Carte, from Annal. ad. Ann. 1377, were about two thouſand ſtragglers in the rear of the Scottiſh army, who had thrown away their arms to march the faſter, and were cut off by a party of light horſe ſent after them. Carte, ii. 394.

Edward III. K. of England.

Alnwick, the former whereof they took. But they had not the ſame ſucceſs at Alnwick; and in the ſiege of that fortreſs, three Scottiſh knights, William de Montalt, John de Clapham, and Malis de Dobery, with ſome others, were ſlain *.

1327. Hol. Sc. Chr.

Sept. 21. Rym. ib. 314. 321. 325. 328. 338.

In the following month, the depoſed king of England, after having ſurvived much inhuman treatment in different places of confinement, was at laſt moſt cruelly murdered in Berkeley caſtle; and nobody doubted of his having fallen a victim to the fears and jealouſies of the queen and her favourite Mortimer. This diſſipated every ſcheme for the reſtoration of that prince, and utterly blaſted a project formed for that purpoſe, in which the king of Scotland had perhaps been in concert with ſome of the friends of the unfortunate monarch. At the ſame time, the horrid deed aſcribed to the dowager and her favourite, rendered them more odious than ever; and their hazard from domeſtic reſentments, dictated to them the meaſure of concluding a peace with that foe who had diſtreſſed England ſo long, and whom it was found ſo very hard to ſubdue. Powers were given to the lord Henry Percy and William de Denum, to negociate a final peace between Edward and his ſubjects on one part, and the great men, nobles, and reſt of Scotland on the other. By the agency of theſe delegates, a favourable opening appears to have been made to farther proceedings of the ſame tendency; to carry on which, a commiſſion was given to thirteen perſons of England, ſeveral of them of great eminence; and correſponding letters of ſafe-conduct were given to commiſſioners from Scotland. Theſe commiſſioners from the two nations having met at Newcaſtle, made ſuch a progreſs, that a parliament was ſummoned to meet at York on the Sunday after Candlemas, to deliberate on the articles that had been propoſed for effecting a final pacification. Meantime a truce was concluded, to continue until Sunday in Mid-Lent †.

Oct. 9.

Nov. 23.

Nov. 20.

Dec. 10.

Rym. ib. 335.

A. D. 1328. Jan. 24. Matt. Weſtm. Cont.

The king, while attending theſe tranſactions at York, was married by the archbiſhop of that place, to his amiable queen Philippa, daughter of William, ſirnamed the Good, earl of Holland and Hainault; and in defraying the expence of this marriage, was employed a conſiderable part of the grants which a parliament and convocation aſſembled at Leiceſter in the beginning of November had made for ſupporting the war with Scotland. About the time of the king's marriage, orders were iſſued in his name to the biſhop of Durham, the ſheriffs of Northumberland and Yorkſhire, and magiſtrates of Newcaſtle, to give honourable reception and every kind of good treatment to certain Scotchmen, to the number of a hundred, who were coming to York to treat about matters relating to a final peace between the nations; and the

Carte, ii. 394. Jan. 22. Rym. ib. 334.

* Fordun ſays, that theſe three knights were ſlain at the ſiege of Norham, and that this happened through ſome failure of their own *(propriâ inertiâ)*. Barbour ſays, that, during theſe ſieges, king Robert was employed in ſubduing all Northumberland, and diſtributing the lands thereof among his Scottiſh ſubjects.

† The nine conſervators appointed for this truce on the Engliſh march were, Henry Percy, Ralph Neville, Roger Heron, Gilbert de Bourondon, Th. de Fetherſtonhalgh ſen. and jun. and Hugh de Walis, two of them a quorum.

king

king gave his letters of ſafe-conduct to the ſame commiſſioners until Mid-Lent *. Robert Brus, K. of Scotland.

The Engliſh parliament having met at York, their conſent † was obtained to a preliminary deed of the greateſt moment in the preſent tranſaction. This was a renunciation by the king of England and his council in parliament, of all right to the dominion or ſovereignty of the kingdom of Scotland, which he himſelf and ſome of his predeceſſors had endeavoured to obtain. But now conſidering the dreadful havock of the wars that had ariſen from this claim, and the benefits that would be mutually derived to the kingdoms from the firm bond of a perpetual peace, and particularly the ſecurity this would give againſt foreign attacks or domeſtic inſurrections; the king wills and grants, that the kingdom of Scotland ſhould be held by Robert Brus, his heirs and ſucceſſors, by the ſame marches as in the time of Alexander III. and ſhould remain for ever divided and diſtinct from the kingdom of England, and in all reſpects independent of it. He renounces all prior claims of ſovereignty, diſcharges all conventions concerning the ſubjection of Scotland; and declares all papers and inſtruments that might be any where found concerning ſuch ſubjection to be void and null ‡; and to confirm the above deed by an oath on the king's ſoul, full power was by other letters patent given to Henry Percy and William Zouſche of Aſheby, or either of them. 1328. March 1. Rym. ib. 337. Ford. l. 13, c. 12.

The perſons juſt mentioned, with the biſhops of Lincoln and Norwich, and Geffrey Reſeroy, were ſent to the king of Scotland, with this renunciation on the part of their ſovereign; and they received from king Robert and the eſtates of his kingdom, letters patent, obliging themſelves to pay to the king of England, at three terms, in three years, at Tweedmouth, the ſum of 20,000 *l.* ſterling; for enforcing which payment, they ſubjected themſelves to the coercion of the apoſtolick chamber. This ſum the Scots agreed to pay, in conſideration of the king of England's renunciation of his ſovereignty, and as a compenſation of damages done by Robert and his ſubjects to England. MS. treaty in Arch. Sc. Ford.

The treaty itſelf §, which was confirmed by the oaths of Hugh earl of Roſs, and March 17.

* A ſafe-conduct was at the ſame time given to twelve horſemen, ſent by ſome of the great men and nobles of Scotland, to make proviſion of divers things for their arrival. Rym. ib.

† So the deed itſelf bears in the moſt expreſs manner. Yet Carte, quoting records, ſays, that many of the prelates and great men, averſe to the treaty with Scotland, did not come to the parliament at York; which after ſitting a month broke up without doing any buſineſs. C. ib. 396. He ſays alſo, from the record to which he refers, that no buſineſs could be done at Northampton from the ſame cauſe, of the abſence of many members, on which account it could not be deemed a full parliament. Yet he mentions ſome buſineſs done both at the one and the other. Ib. 396, 397.

‡ The appointment of Percy and Zouſche for the purpoſe as mentioned, is wanting in the MSS of Fordun, which Goodall made uſe of, but is in his edition ſupplied from a public inſtrument of Henry de Wardlaw biſhop of St. Andrews, dated the ſeventeenth of March 1415, atteſting a copy from the original of this renunciation. Ford. l. 13. c. 12.

§ The letters patent of the ratification of this treaty by the king of England, comprehending as uſual the treaty itſelf, are extant in the hands of the keeper of the Scots archives. Fordun ſays, that, on the ſeventeenth of March, ambaſſadors were ſent from the king of England to the king of Scotland at Edinburgh, to ordain and treat about a firm and perpetual peace, which accordingly was there agreed. Yet he does not give the articles of this peace, but only a copy of Edward's renunciation.

Edward III. K. of England.

1328.

and Robert Lowedre juſticiary of Lothian (Loeneys), on the ſoul of the king of Scotland, in his preſence, and by his command, declares the agreement of a marriage between David the ſon and heir of Robert, and Joan the king of England's ſiſter. For effecting this marriage, Joan was to come into Scotland to Berwick, on the fifteenth of the enſuing month of July, and to be delivered there to the king of Scotland, or to any having commiſſion from him to receive her. It was farther agreed, that the two kings ſhould be friends and allies; but with a ſalvo of king Robert's alliance with France; yet this alliance was not to hinder the king of England to make war on Scotland, if attacked by the Scots, on account of the French league, or for any other cauſe. The king of Scotland was bound not to aſſiſt the king of England's enemies in Ireland; and the king of England not to aſſiſt the enemies of the king of Scotland in the Iſle of Man, or other iſlands of Scotland. The king of England engaged to employ his intereſt at the papal court, that the proceſſes carried on there againſt the Scottiſh king, or any of his ſubjects, ſhould be diſmiſſed. The laws of the marches of the two kingdoms were to be faithfully kept, and treſpaſſes againſt them redreſſed and puniſhed; or, where there were defects in theſe laws, or debates about them, that the ordinary officers could not decide, theſe were to be reported to the ſovereigns, and determined by themſelves, or councils, or by commiſſioners whom they ſhould appoint. Finally, it was ſtipulated by the Engliſh envoys, in name of their maſter, that his ratification of this treaty ſhould be delivered to the mayor of Berwick before the enſuing feaſt of Aſcenſion.

Aſcenſion Day was this year May 12.

An Engliſh parliament *, that met at Northampton in the latter part of April, gave their approbation to the treaty concluded with Scotland; and it was ſolemnly ratified by the king on the fourth of May †. Edward is alſo ſaid to have had the concurrence of this parliament in claiming the right of ſucceſſion to the crown of France, whoſe late king Charles, ſirnamed the Fair, died on the firſt of February of the preſent year, and his queen brought forth a daughter two months after his deceaſe. By the Salick law, this infant, being a female, could not inherit the crown, which Edward claimed as being ſon to the ſiſter of the deceaſed king, and the neareſt of his male relations. The aſſembly, however, of the ſtates of France, adjudged the throne to Philip

April 24.

Tyrr iii. 351.

renunciation of his right to the ſovereignty of Scotland. King Edward mentioning this treaty in a letter to king David, Dec. 20, 1330, calls it a treaty of peace between Robert king of Scotland, David's father, and the king's envoys appointed and ſent for that purpoſe, *(et noſtros nuncios ad hoc ſpecialiter deſtinatos)*. Rym. ib. 461.

* If the parliament of York, ſays Carte, had aſſented to this treaty, why was that of Northampton ſummoned, (as all writers of the time agree,) to warrant it by their aſſent and approbation? The anſwer is obvious, That the treaty was not concluded while the parliament ſat at York; that parliament only agreed to the eſſential preliminary of the renunciation of the ſovereignty of the king of England over Scotland. The reſt of the treaty was finiſhed at Edinburgh.

† On the day before, Edward wrote to the Pope and ſeventeen of his conclave, whoſe interceſſion he deſired with the Holy Father, intimating the concluſion of a peace between himſelf and the *magnificent prince* Robert king of Scots, and entreating him to revoke any proceſſes that were by the apoſtolick authority carried on againſt Robert, or any of his ſubjects, and to impart the fulneſs of his grace for this effect to the ambaſſadors of that king, who were to be ſent to his court. Rym. ib. 350, 351.

of

of Valois, the late king's couſin-german, and neareſt to the crown of thoſe deſcending from a king in a line of male anceſtors. Edward never loſt the view of this great object, although his youth and other circumſtances hindered for a long time any open attempts to enforce his pretenſions. But it is likely that the proſpect of his entering into ſo great a conteſt would be alleged as a good argument for defending the peace with Scotland; whereby, on the event of a war with France, this latter nation would be deprived of an uſeful ally, and England, in the mean time cultivating the arts of peace, would grow ſtronger for the mighty ſtruggle. And however juſtly this peace might be aſcribed to the wickedneſs of the queen dowager and Mortimer, it was probably agreeable to a better plan of policy, than that which was ſoon after adopted in ſupporting the claim of Edward Baliol to the Scottiſh throne.

Robert Brus, K. of Scotland. 1328.

To carry into full execution the treaty between the kingdoms, all neceſſary ſteps were mutually made in due time. Edward, as tutor to his ſiſter Joan, with the concurrence of his mother the queen-dowager, ſent truſtees into Scotland *, to demand and receive from king Robert, and to manage for his ſiſter's behoof, lands and revenues amounting to 2000 *l. per ann.* ſettled upon her as her dower in marriage with the prince of Scotland: and at the time appointed, the queen, with the biſhop of Lincoln chancellor of England, and a ſplendid retinue, conveyed the princeſs to Berwick; where ſhe was received by the earl of Murray and lord Douglas, repreſenting their ſovereign, himſelf being ſick; and the nuptials were celebrated with great joy and magnificence †.

Rym. ib. 354.

Ford. l. 13. c. 14 Barb. 424. July 17.

In purſuance of the article in the treaty, whereby the rights of the church in either kingdom were declared to be ſaved from prejudice, orders were given by king Edward, for reſtitution of the penſions and lands which the abbeys of Jedburgh, Melroſe, and Kelſo, had held in England, and which, on occaſion of the wars between the kingdoms, had been ſeized into the hand of the king's father, and ſtill remained in the hand of the king ‡. It is mentioned in theſe orders, as a good reaſon for iſſuing them, that the king of Scotland had cauſed the like reſtitutions to be made to the religious and other eccleſiaſticks in England, of their lands and poſſeſſions in Scotland. In the following May, Edward made a grant to James lord Douglas, of all the lands and poſſeſſions which his father William Douglas once held in the kingdom of England, and which, on occaſion of the war between Edward I. and the then king of Scotland, had been forfeited to the former, and had come from his hands into the hands of the preſent king. This grant is declared to have proceeded from the ſpecial favour of the king, without taking notice of the late treaty; whereas a reſtitution that had been made by the king of Scotland to

Oct. 28. Rym. ib. 373.

A. D. 1329. May 12. Rym. ib. 384. 461.

* Theſe were, Robert Maudugh and Robert de Tughale.

† Carte ſays, from Annal. ad Ann. 1377, that the attendants of the princeſs Joan carried into Scotland Ragman Roll, and all the records which Edward I. had brought from that kingdom, according to the inventory taken of them, when brought thence to be lodged in the exchequer at London; a memorandum whereof is there ſtill preſerved. Carte, ib. 397.

‡ Theſe orders were given, in behalf of the three convents mentioned, to the king's eſcheator beyond Trent; and particularly for the abbot of Geddeworth, to the Abbeſs de Pratis, near Northampton, the parſon of Abbot's Lee and Thomas de Fetherſtonhalgh.

The abbot and convent of Dundrennan in Galloway had held poſſeſſions in Ireland that had been in like manner ſeized, and which the juſticiary of Ireland was now ordered to reſtore.

Edward III. K. of England, 1329.

Henry Percy, of lands and poſſeſſions held by him in Scotland, and which king Robert had ſeized on occaſion of the late war, is ſaid to have been by virtue of the late treaty, and of letters patent of king Robert, promiſing the reſtitution of them.

On the ſeventh of June, the life of king Robert Bruce was brought to an end by a leproſy that had been long preying on him. He had attained the higheſt renown by his wiſdom and fortitude, and is one of the greateſt examples that hiſtory preſents to us, of the aſcendant given to a commander by theſe endowments, over the moſt unequal ſuperiority of ſtrength and numbers. He availed himſelf of the waſte and rugged face of the country over which he reigned, and of the untamed ſpirits and hard-bred bodies of its inhabitants, to defend its liberty and independency againſt neighbours not leſs warlike, and incomparably more rich and powerful; and left his kingdom to the child who ſucceeded him in a ſtate of peace and friendſhip with England, eſtabliſhed on foundations that ſeemed as ſolid as human prudence could deviſe. Yet ſtill dreading that this concord might be diſturbed, and jealous of the ſuperior ſtrength of England, which could not be reſiſted without keeping up the martial ſpirit of the Scots by frequent exerciſe; he is ſaid to have left it as his dying advice, that, on the event of future quarrels, the Scots ſhould rather make ſhort truces than a laſting peace with England, a rule that was obſerved long in the ſucceeding reigns; alſo, that they ſhould as much as poſſible avoid pitched battles, and rather diſtreſs the invading armies by ambuſcades, ſkirmiſhes, and laying waſte the country through which they were to paſs *.

Ford. l. 13. c. 10.

* King Robert's advices to his countrymen about conducting a war, are compriſed in the following leonines:

Scotica ſit guerra pedites, mons, moſſica terra:
Silva pro muris ſint, arcus et haſta ſecuris,
Per loca ſtricta greges munientur; plana per ignis
Sic inflammentur, ut ab hoſtibus evacuentur,
Inſidiæ vigiles ſint noctu vociferantes:
Sic male turbati redient velut enſe fugati
Hoſtes pro certo, ſic rege docenti Roberto.

Of which there is in Hearne's edition of Fordun the following old Scottiſh tranſlation:

On fut fuld be all Scottis weire
Be hyll and moſſe thaimſelf to weire:
Lat wod for wallis be, bow and ſpeir
That innymeis do thaim na dreire;
In ſtrait places gar keip all ſtoire,
And byrnen the planer land them before;
Thanen ſall thai paſs away in haiſt,
Quhen that they find nothing but waiſt.
With wyllis and waykenen of the nicht,
And mekill noyes maid on hicht.
Thanen ſall they turnen with great affrai,
As thai were chaſit with ſwerd awai.
This is the counſall and intent
Of gud king Robert's teſtament.

The tranſlator certainly miſtakes *ſecuris*, which denotes the battle-ax, a weapon which the Scottiſh warriors of thoſe times employed with great vigour. See Froiſſart's account of the battle of Otterburn. It ſerved the Scots for *bow and ſpear*, as the *woods* did for *walls*.

THE

THE BORDER-HISTORY OF ENGLAND AND SCOTLAND.

BOOK V.

DAVID, the only ſon and heir of Robert, ſucceeded him at the age of ſix years and three months; his couſin-german, the great earl of Murray, having the guardianſhip of his perſon and kingdom. In diſcharge of this office, the guardian equalled the hopes which his late ſovereign and the whole nation had conceived from all his former conduct; being faithful to the intereſts of the young king, and maintaining order and quiet throughout the kingdom by an impartial and rigorous adminiſtration of juſtice. He was alſo attentive to keep the peace with England, by making regular payments * at the terms prefixed, of the ſums due by the late treaty; and during the power of the queen-dowager of England and her favourite Mortimer, there are no accounts of the leaſt ſtrife between the kingdoms.

Edward III. K. of England. David Brus, K. of Scotland.

1329. Fordun. Buchan.

The king of England ſoon diſplaying an uncommon meaſure of capacity and ſpirit, grew impatient of the inſolent controul of Mortimer; and readily liſtened to the propoſal of pulling down and deſtroying him. Sir William Montague purchaſed the laſting favour of the young monarch, by being the chief perſon in the contrivance and execution of the bold exploit of ſeizing Mortimer in the caſtle of Nottingham. He was carried thence to London, and being condemned in parliament, on the notoriety of his crimes, was hanged at Tyburn. One of the articles of the charge againſt him was, that

* King Robert, a little before his death, had requeſted of the Engliſh court, that half of the firſt payment of 10,000 merks, which ſum was by the treaty due at Midſummer, ſhould be reſpited until the ſucceeding Martinmas. This was granted, and meſſengers were accordingly ſent from England to receive 5000 merks at each of the terms of Midſummer and Martinmas. In January 1330, a grant was made by the king of England to his mother, of the 10,000 merks due by the king of Scotland at the ſubſequent Midſummer, the payment of which ſum was made on July 15; and on January 13, the laſt 10,000 merks payable at Midſummer of that year, were aſſigned by Edward to a company of merchants at Florence, the bards. Rym. iv. 385. 397. 406. 410. 445. 463.

Edward III. K. of England.

A. D. 1330. Nov. 29.

he ſhared between himſelf and his confederates the 20,000 merks, that had come from Scotland; no part of it having come into the king's treaſury. The lords Henry Beaumont and Thomas Wake had been driven out of England, on account of their having two years before been combined with the earl of Lancaſter in an attempt to pull down Mortimer from his power; and that being now effected which was then attempted in vain, theſe two lords with ſome companions of their exile, were recalled and reſtored to their eſtates and honours.

Dec. 20. Rym. 461. 472.

Soon after the lords Beaumont and Wake returned to England, a requiſition was made by Edward to the king of Scotland, or more properly to the earl of Murray his guardian, that the lordſhips and lands belonging to Beaumont and Wake in Scotland, ſhould be reſtored to them, agreeably to the late treaty of peace, and to letters patent of the late king Robert, promiſing to make this reſtitution. As it is affirmed in this requiſition, that Henry Percy had obtained reſtitution and poſſeſſion of his lands, by virtue of the foreſaid convention and promiſe, it is probable, that the fulfilment of theſe to Beaumont and Wake had been prevented by their having joined themſelves to the enemies of Mortimer, and having been in conſequence thereof driven into exile. During the ſtrait friendſhip between the courts of England and Scotland, the condemnation undergone by offenders againſt government in the former kingdom, would effectually operate to deprive them of all claims and poſſeſſions in the latter. It is therefore ſcarce to be doubted, that the poſſeſſion of the lands claimed by Beaumont and Wake in Scotland, had either been confirmed to thoſe who held them before the peace, or had been granted by king Robert, or the regent, to ſome perſons of high rank and power from whom it was difficult to recover them. And that the Scottiſh regency was puzzled about ſatisfying the king of England's demand, appears from the delay they ſought for giving an expreſs anſwer; on the pretence that king David's council was not with him when the requiſition was made. But it was promiſed in the king's name, that after holding a conſultation at Berwick upon Tweed, an anſwer ſhould be returned to Edward, and for giving this anſwer a day, March 18th, was appointed. In the end of February, meſſengers were ſent from the court of England with renewed entreaties, that on the foreſaid day, ſuch an anſwer might be given as might content the claimants and cut off grounds of future diſſenſion. And as a farther evidence of the earneſtneſs of the court of England, letters of the ſame date and preſſing the ſame demand, were ſent to the earl of Murray regent, and to the earls of Mar, Fife, Strathern, and March, alſo to the biſhops of St. Andrews, Dunkeld, and Glaſgow. But notwithſtanding theſe importunities, it appears from a renewed application made in April of the following year, that the deſired reſtitutions were not made†.

A. D. 1331.

Rym. ib. 518.

† In this laſt mentioned application, although it appears, that Henry Percy was ſtill the only one of the three who had obtained reſtitution; yet the requeſt of reſtitution is only made for Wake, and not for Beaumont, who by that time had reſolved to ſeek the recovery of the poſſeſſions he claimed in Scotland, by endeavouring to raiſe Edward Baliol to the throne of that kingdom.

David Brus, K. of Scotland.

1331.

The great ſource of difficulty in making or warranting ſuch reſtitutions, even though the Scottiſh regency had been ſerious with regard to them, appears from a complaint of the biſhop of Durham, Louis de Beaumont, the lord Henry's brother, of a violation of the late treaty by Patrick Dunbar earl of March. The biſhop alleged, that the village of Upſetlington, ſituated on the Scottiſh ſide of the river Tweed, over againſt Norham to the weſt, was a part of the right of the church of St. Cuthbert, or ſee of Durham, which the predeceſſors of the preſent biſhop had poſſeſſed from time immemorial; but it having been ſeized by the late king of Scotland in the time of the war, it was reſtored by virtue of the article in the treaty of peace reſpecting the poſſeſſions of church-men in either kingdom, though this reſtitution was not made till after ſeveral requiſitions. The earl of March, however, in contempt of all that had been ordered or done, had ſeized the place and iſſues thereof, and violently hindered the biſhop from enjoying them. On the complaint and ſupplication of the biſhop to king Edward on theſe heads, letters were ſent by him to king David, to his guardian, and to the earl of March, aſking and requiring reſtitution and redreſs. Yet the biſhop did not, in conſequence of theſe, obtain undiſturbed poſſeſſion: for in the following October, Edward wrote again to the king of Scotland on a new complaint of the biſhop to the king, and his council in parliament; repreſenting, that the biſhop himſelf and his predeceſſors had always exerciſed both civil and eccleſiaſtical juriſdiction in the village of Upſetlington *, as being a dependency of the caſtle and manor of Norham which was a parcel of his biſhoprick; but that certain ſervants of the king of Scotland, under the pretext of a general order to ſummon a meeting of the Scottiſh parliament at Scone, had cauſed ſummon the biſhop to be preſent in perſon at that parliament, to ſhew how and by what ſervice he claimed to hold the lands of Upſetlington †. The king of England complains of this ſummons as being not only injurious to the biſhop and his church, but as tending to the exheredation of himſelf and his crown; as the biſhop for what he held of him could not be obliged to attend any other parliament but his, nor to pay homage to any other than him. Wherefore he requires and aſks, that David, from regard to him, would give over ſuch ſtrifes with the biſhop, and reſtrain his miniſters from giving him diſturbance; and that he would intimate to him his reſolution by the bearer of the letter.

Rym. ib. 468, 499.

Feb. 3.

Oct. 10.

Meantime, notwithſtanding the tendency to ſtrife in theſe claims and complaints from England, an amicable ſpirit was ſhewn in other inſtances. One of theſe was the appointment of ſeveral perſons to be the king's juſticiaries ‡, to cauſe to be kept and obſerved in the counties of Cumberland and Northumberland, the peace lately concluded with Scotland. Beſides receiving the ſame

Feb. 16. Rym. ib. 471.

* Called here Weſt-Upſetlington.

† It appears from this paper, what perſons were then ſummoned to a Scottiſh parliament. They were, all biſhops, abbots, priors, earls, barons, and free tenants, who were obliged to be preſent in the king's parliament, and alſo all and ſingular that were obliged to do him homage.

‡ The juſticiaries and commiſſioners for the Northumbrian march were nine, of whom the chief were, the archbiſhop of York, the prior of Durham, and Henry Percy. Thoſe for Cumberland were, John de Harryngton, Ralph de Dacre, and Ric. de Denton. Ib.

charge-

Edward III. K. of England. 1331.

charge with that accuſtomed to be given to conſervators of peace or truce, theſe perſons were alſo commiſſioned to declare and perambulate the ancient bounds between the kingdoms of England and Scotland, in concert with men of Scotland to be aſſigned for that purpoſe, to make anew boundaries and diviſions between the kingdoms, where theſe appeared needful; and to certify the king concerning thoſe about which they could not agree. In all their proceedings, they were to do juſtice agreeably to the laws and cuſtoms of the marches, with a ſalvo of the amerciaments and other rights belonging to the king.

A. D. 1332.

In the beginning of the following year, the king of England was informed that ſeveral men of his own kingdom, and others, were holding conſultations and purſuing meaſures that tended to break the peace lately concluded with Scotland, on which kingdom they purpoſed to make an hoſtile attack through the marches of England. But Edward reſolved to preſerve the peace on his part inviolate, iſſued ſtrict orders to the ſheriffs of the five northern counties *, to cauſe proclamations to be made, prohibiting in his name, under the higheſt penalties, all his ſubjects, of whatever ſtate or condition, to enter Scotland with armed forces over the Engliſh marches, or to do any thing elſe in breach of the peace; farther enjoining the ſheriffs, if they diſcovered any acting contrary to this proclamation, to arreſt their bodies and arms, and keep them priſoners until otherwiſe commanded by the king.

Rym. ib. 512.

This proclamation ſhews, that ſome of the Engliſh barons were at this time meditating an infraction of the late peace with Scotland; in the treaty of which peace the advantageous terms ſtipulated to the Scots were conſidered by almoſt all the Engliſh as highly diſgraceful to their country; and the whole tranſaction partook of the violent odium that juſtly purſued the wickedneſs of the queen-mother and Mortimer. As the power of theſe was now at an end, many were prone to think that the pernicious effects of their power ought to fall with them; and that as the king, a youth but a little more than fifteen years old, was, in agreeing to this treaty with Scotland, wholly under their influence, he was not obliged, after regaining his liberty, and arriving to more mature years, to adhere to a contract ſo injurious to the rights of his crown. Such conſiderations would undoubtedly be ſuggeſted to the king by many of his counſellors; and the project was very natural of reviving and ſupporting the claim of Edward Baliol, the ſon and heir of John, to whom the king's grandfather of revered memory had ſolemnly adjudged the crown of Scotland as his rightful inheritance. But other counſellors, and probably the mind of the young prince himſelf, wherein ſentiments of religion, honour, and humanity prevailed over views of ambition and intereſt, would ſuggeſt the ſacredneſs of the late tranſaction, in which the faith of the repreſentatives of the nation was plighted along with his own for confirming the treaty; and as an endearing pledge of inviolable peace, the innocent child his ſiſter given in marriage to David, whoſe equally tender years pleaded very ſtrongly for pity and protection, inſtead of oppreſſion and violence.

* Northumberland, Yorkſhire, Lancaſhire, Cumberland, Weſtmoreland.

But

But ſuch conſiderations were of no force with many of the Engliſh barons, to extinguiſh that animoſity and reſentment, mingled with pride and contempt, whereof the Scots were the objects; and which naturally aroſe from a long and cruel war, freſh in remembrance, and ſtill bleeding in many of its wounds. Thoſe eſpecially who claimed eſtates and honours in Scotland, from which they were excluded by its preſent governors, were eager to embrace the opportunity of recovering them afforded by the ſituation of affairs in that kingdom. The lord James Douglas, on his way towards the holy ſepulchre with the heart of king Robert Bruce, was, in the year after that king died, killed in Spain fighting with extraordinary valour under the banner of king Alphonſo X. againſt a Saracen king of Granada. The earl of Murray was in a declining ſtate of health, and had probably, by his rigorous adminiſtration of juſtice, incurred the hatred of ſome of his countrymen. Murray and Douglas had long been men of the chief authority in the kingdom, and ſuch props were moſt neceſſary to the throne of a child. There were ſome remains of attachment to Baliol; and alſo of reſentment againſt the family of Bruce, on account of neceſſary ſeverities exerciſed by king Robert on ſome perſons of eminence, who were convicted of plotting againſt him in the latter part of his reign. Yet Randolph appears to have been ſo much an object of the dread of Baliol, and his Engliſh friends, that their invaſion of Scotland was not made till after his death, and indeed was in this reſpect ſo timid as to give ſuſpicion, that the invaders foreſaw the event and waited for it. The Scottiſh hiſtorians ſay, that an Engliſh monk who ſerved Randolph as a phyſician, was hired by the plotters of the intended revolution to give him poiſon, and that on receiving intelligence of the fatal operation of this poiſon, they made the deſcent for which they had been long before preparing. This ſtory they combine with circumſtances which authentic records prove to be fictitious; and perhaps the ſtory itſelf deſerves no more credit than many relations of the ſame kind, concerning the deaths of great men that have happened ſuddenly or at critical periods.

David Brus, K. of Scotland. 1332.

Fordun. Boece. Buchan.

It was unhappy for Scotland, that the men having claims to eſtates and honours in that kingdom, which they embraced the preſent opportunity of proſecuting, were perſons of the firſt eminence in England for rank, intereſt, and poſſeſſions. The lord Henry Beaumont, who may juſtly be regarded as the head of the enterpriſe, was illuſtrious by his deſcent from the royal blood of France; and by the bounty of the firſt and ſecond Edwards had ariſen to great power and riches, which were conſiderably increaſed by his marrying Alice, one of the nieces and co-heirs of John earl of Buchan and conſtable of Scotland *, who inherited the eſtates in England that belonged to his mother, a daughter and co-heir of Roger de Quinci earl of Wincheſter. David de Strathbolgi earl of Athol, had lately married the lord Beaumont's daughter, and was himſelf the ſon of one of the daughters of John Comyn of Badenoch, whom Robert Bruce ſlew at Dumfries. David had lands in Kent which his grandfather acquired by marriage, and ſucceeded to a part of the great eſtate

Dugd.

* The name of the other niece was Margaret. Dugd.

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of Aymer de Valence earl of Pembroke, which deſcended to him from his mother Joan Comyn, the daughter of John before-mentioned, and the ſiſter and coheir of his ſon of the ſame name. Elizabeth, the other ſiſter and coheir, was married to Richard Talbot, a youth about nineteen years old; of high and ancient deſcent by his father, who was then alive, and chamberlain to the king; and by the female line ſprung from the princes of Wales, and Beauchamps earls of Warwick. Theſe three, beſides the ambition of recovering the eſtates and honours formerly poſſeſſed in Scotland by the great family of the Comyns, were animated by the ſavage ideas of the times, to revenge upon the ſon the murder of John Comyn of Badenoch, committed by the father at Dumfries.

Gilbert Umfranville and Thomas lord Wake were ready to engage in the projected expedition; the former in the view of recovering Angus, whereof Sir John Stewart * of Bonhill had been created earl, at the coronation of king David, and the latter, of regaining the poſſeſſion of Liddeſdale. William la Zouche, lord of Harringworth, and Henry lord Ferrers, deſcended from two of the daughters and coheirs of Roger de Quinci earl of Wincheſter, had claims in Scotland, founded on the marriage of the laſt-named earl to Margaret, a daughter and coheir of Alan lord of Galloway. Henri de Beaumont was alſo connected with Zouche and Ferrers in theſe claims, by his wife's mother, being the third of the daughters and coheirs of earl Roger. Another very eminent adventurer in the deſcent on Scotland, was the lord John Moubrai, a baron of ſplendid anceſtry and great eſtate in Yorkſhire, Lincolnſhire, and other counties. A branch of his family had long before acquired an eſtate in Scotland, by the marriage of an heireſs there. The circumſtances above-related are known concerning ſome of the principal perſons who meditated a renewal of the war with Scotland for the recovery of their own rights; and they would, no doubt, endeavour to obtain the concurrence, or connivance of their ſovereign, by profeſſing an equal zeal for recovering the claims of his crown.

Doug. Peerage, p. 21.

The lord Henri Beaumont, a man of high proweſs, ripe in years, and of great experience in affairs both civil and military, is always celebrated as the chief in contriving and conducting this remarkable enterpriſe. While an exile in France, on account of his attachment to the unhappy earl of Kent, or afterwards when an ambaſſador to the French king, he concerted with Edward Balliol, who had long reſided in quiet on his French eſtate at Quimper, meaſures for an attempt to regain the crown, which his father John had for ſome time poſſeſſed. And Beaumont is ſaid to have, in the ſtrongeſt manner, recommended himſelf to Balliol's favour and confidence, by interceding effectually with the French king for liberating him from an impriſonment which he had incurred by reſcuing a favourite Engliſh domeſtic from the public juſtice of France.

In the latter part of ann. 1331.

* Sir John Stewart was grandſon of the ſecond ſon of Alexander lord high ſteward of Scotland, who died ann. 1283, and brother of James lord high ſteward of Scotland, grandfather of king Robert II. Dougl.

The

David Brus, K. of Scotland.

1332.

The king of England ſteadily oppoſing any hoſtile attack on Scotland, through the adjacent marches of England, a reſolution was formed of making the invaſion by ſea. For this purpoſe, the aſſociated barons collected a fleet of ſhips at Ravenſpar †; a place on or nigh the mouth of the Humber, on the Yorkſhire ſide. Sailing from thence, they entered the Frith of Forth on the laſt day of July. The earl of Murray, regent of Scotland, dying on the 20th of that month at Muſſelburgh, they moſt probably had certain intelligence of this event before they put to ſea. Although their number was not great, yet the preparations neceſſary for the enterpriſe, both by land and ſea, could not be unknown to the king of England. And though he took no effectual ſteps to prevent it, yet ſoon after the adventurers put to ſea, he emitted a public declaration, that their doing ſo was contrary to his expreſs prohibition. This the king notified by his letters to the inhabitants of the five northern counties; at the ſame time informing them, that ſome nobles and others of Scotland were, with all their power, preparing for *ſome enterpriſe*; but he declares to them his own deſire of preſerving the peace inviolate; and that for this effect, he had conſtituted the lord Henry Percy, keeper of the march towards Scotland, with full powers to reſtrain and puniſh all infractions of the peace by the ſubjects of England; and in caſe of any attack from Scotland, to raiſe the poſſes of the above-mentioned counties to repel it.

Auguſt 9.

The Engliſh fleet continued ſeveral days in the Forth before the meditated deſcent was made from it; whether by feints of landing in different places, they meant to divide and haraſs the Scottiſh forces that were employed to defend the coaſt, or whether they waited for intelligence from friends, or the appearance of ſuch to join them. At laſt they diſembarked at Kinghorn; and chiefly by the Engliſh bowmen, a body of Scots, who oppoſed their landing, was routed, with the ſlaughter of their leader, Sir Alexander, ſon of lord Seaton, and ſome others. The whole number of fighting men who landed from this fleet, are ſaid, by the Engliſh writers, to have been two thouſand five hundred: of theſe, according to Fordun, five or ſix hundred were Gens d'Armes; among which there were forty-four German knights, ſoldiers of fortune, with their attendants, whom Baliol had brought over from the continent.

Auguſt 6.

Hem. ii. 272; Kn. 2560. Ford.

The ſucceſs of the Engliſh at Kinghorn, was the beginning of a rapid and amazing ſeries of victory. The conquerors advanced through Dunfermling, where they found five hundred excellent ſpears, towards Perth. In the neighbourhood of that town, on the Moor of Duplin, a great army was gathered from the northern parts of Scotland. It was commanded by Donald, earl of Mar, who having been elected but a few days before, by an aſſembly of prelates and nobles at Perth, to ſucceed the late earl of Murray in the office of guardian of the kingdom, had no time to acquire authority or credit in the character of ſupreme governor; the want whereof would be more ſenſibly felt in him, as his predeceſſor enjoyed them in ſo diſtinguiſhed a manner. The

† This place, with ſeveral others in the diſtrict of Holderneſs, were ſwallowed up by the Humber, or the ſea, in the reign of Edward III. Camd. ii. 900.

Edward III. K. of England. 1332.

Scottiſh army contemned the ſmall number of the Engliſh; who, although joined after their ſucceſs at Kinghorn, by ſome of their Scottiſh friends, were not yet above three or four thouſand; that is, probably not above a tenth part of the number of their adverſaries. Some ſecret friends of Baliol were alſo in the enemy's camp. One of whom, Sir Andrew Murray of Tullibardine, did the Engliſh the important ſervice of fixing a pole in the river Earne, to direct them to a ſafe paſſage over it in the night.

Auguſt 14. The Engliſh combining with theſe advantages their own martial ſkill and proweſs, and having paſſed the Erne ſafely in the night, fell ſuddenly, about the dawn of the morning, on the Scottiſh army, or an advanced part of it, making a dreadful ſlaughter. The Scots were found in perfect ſecurity; and the Engliſh, for the ſake of diſtinguiſhing each other, and keeping order while darkneſs continued, fixed pieces of white linen on their ſleeves: ſurpriſe, confuſion, and conſternation ſoon ſeized the whole Scottiſh army; and the chieftains ruſhing precipitately, and with furious emulation, to repel the aggreſſors, were ſlain amid heaps of their followers. Among the eminent perſons that fell in this carnage were, the earl of Mar himſelf, Thomas Randolph the young earl of Murray, Murdack earl of Monteith, Robert Brus earl of Carrick, and Alexander Fraſer *. Duncan, earl of Fife, was taken priſoner. The conquerors, marching to Perth, ſeized it without reſiſtance, and immediately ſet about renewing and ſtrengthening its fortifications.

Patrick earl of Dunbar, who was either conjoined with the late earl of Mar, or delegated under him as guardian of the ſouthern parts of Scotland, had, at the time of the engagement at Duplin, advanced, together with lord Archibald Douglas, to Ochterarder, at the diſtance of a few miles from the field of battle; and the hazard to which Baliol was expoſed of being hemmed in betwixt two armies, ſo vaſtly ſuperior in numbers to his own, compelled him to make the attack, however deſperate, at Duplin. The earl of Dunbar, and lord Archibald Douglas, advanced to Perth, which was too ſtrong, and too well garriſoned for them to gain by aſſault. According to the Scottiſh writers, they almoſt inſtantly diſperſed; not without ſuſpicion of the influence of ſome amongſt them who were attached to Baliol. The Engliſh writers ſay, that they continued to beſiege the town until the 24th of the month; on which day, Sir John Crab †, who, by order of the earl of Dunbar, had ſailed from Berwick with a ſquadron of ten Flemiſh ſhips, to attack the ſhips of the Engliſh adventurers, who had ſailed round from the Forth into the Tay, made an attempt to deſtroy that fleet, but was bravely repulſed, his ſhips deſtroyed, and himſelf compelled to ſeek his ſafety, by flying over land to the place from which he came. The Engliſh having, in conſequence of this ſucceſs, ſecured a ſupply of proviſions by ſea, and the beſiegers having by this time fallen into a great ſcarcity of them, the ſiege was raiſed. Soon after Baliol cauſed him-

* The dead bodies of the Scots, ſays Hemingford, were, as was ſaid, heaped up to the height of a lance; and many more were ſuffocated by the weight of dead bodies, than ſlain by the ſword. Hem. ii. 273.

† See above. Hemingford ſays, That for ſeveral years he had done many miſchiefs to the Engliſh at ſea, ii. 273.

ſelf,

ſelf to be crowned at Scone, by Duncan, earl of Fife, and the biſhop of Dunkeld; the clergy and barons of Fife, and other parts of the adjacent country, attending the ſolemnity; and Baliol, elated with his extraordinary ſucceſſes, is ſaid to have aſſumed the name of *Conqueror*. David Brus, K. of Scotland. 1332.

The king of England carried ſo far the expreſſions of his diſpleaſure, with the enterpriſe againſt Scotland, that he had commanded the eſtates of Beaumont, its chief conductor, to be ſeized into his hands. But the wonderful ſucceſs of that expedition, led him by degrees to the avowal and open proſecution of meaſures, whereof he ſeems in the beginning to have been aſhamed. His preparations, however, for which he obtained a ſupply from his parliament, which met at Weſtminſter in September, were ſtill alleged to be of the defenſive kind. His parliament, in conſequence of the intelligence received from the north, foreſeeing that the Scots would ſoon be making inroads into England, unanimouſly adviſed him to abandon a project he had formed of paſſing over to Ireland, for the quelling of ſome inteſtine diſturbances in that iſland; and inſtead of going thither, to conduct an armed power to the north of England, in order to wait the motions of the Scots. For this effect, they granted him a fifteenth of the perſonal eſtates of lords and knights of ſhires, and a tenth from cities and burghs. Accordingly the king being at Nottingham in the following month, iſſued orders for chuſing archers, footmen, and hobelars, in ſeveral of the northern counties, for the defence of his people on the marches, 'whom certain nobles of Scotland, on occaſion of the late diſturbance in that kingdom, were preparing to attack.' The king having come to York before the end of the month, gave a commiſſion to two of his attendants, to go to Newcaſtle, to treat with two envoys from the *guardian of Scotland**, about certain affairs, which theſe envoys had been ſent to propoſe to the king of England in perſon; but one of them, Rob. de Lowedre, being ſeized with a dangerous diſeaſe at Newcaſtle, was unable to proceed any farther.

Dugd.

Rym. ib. p. 540.

Cotton's Abr. p. 12.

Rym. ib. 533, 534, 535.

At length an authentic record of a tranſaction in the end of the following month, brings to full light the plan of intereſt and ambition, with regard to Scotland, which Edward, in conſequence of Baliol's ſucceſs, did adopt; whereby the bloody ſcenes of his father's and grandfather's Scottiſh wars were reacted; yet ſtill without attaining the ſo much deſired ſubjection of the whole iſle of Britain to the Engliſh crown. Baliol leaving Perth to the cuſtody of Duncan earl of Fife, from whom it was ſoon taken by Simon and James Fraſer and Robert Keith, marched to the frontier of his kingdom toward England. He there took, or received by ſurrender, the caſtle of Roxburgh; from whence he dates his letters patent, confirming a remarkable bargain he had concluded with the king of England.

Oct. 7.

Nov. 23.

In theſe letters he begins with acknowledging the ſovereignty of the kings of England over the kingdom of Scotland, by right and ancient poſſeſſion; and

Rym. ib. p. 537, 538, 539.

* This was Sir Andrew Murray of Bothwell, who in 1326 had married Chriſtian, the ſiſter of Robert Brus, who had been married before to Gratney earl of Mar, and to Sir Chriſtopher Seaton. Ford. l. 13. c. 25. Doug. Peerage.

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with reciting the deciſion that Edward I. in that character, had given in favour of John Baliol, and the conſequences of that deciſion. And now he himſelf having by *ſufferance* of the *preſent* king of England, and with the aid of part of that king's good ſubjects, recovered his heritage of Scotland, and been crowned king of it and the Iſles, had rendered his liege homage, and ſworn fealty to the Engliſh king, as ſovereign lord of Scotland and the Iſles; which homage and fealty he bound himſelf and his heirs to renew on every proper occaſion*. But farther, to teſtify his gratitude for the king of England's allowance of his enterpriſe, and the faithful and effectual aid received in it from his ſubjects, Baliol engages to cede to him lands worth two thouſand pounds yearly revenue, on the march of his kingdom, whereof the town, caſtle, and county of Berwick, were to be a part; which, with all their appurtenances, were to be annexed to Edward's royal dignity and kingdom of England, and entirely ſevered from Scotland. In the king of England's wars, for defence of any of his dominions, Balliol engaged to aſſiſt him with two hundred men at arms, and bound his ſucceſſors to aſſiſt him with one hundred of the like forces. If the marriage between David Brus, and Joan, Edward's ſiſter, ſhould not take effect, and Joan conſent, Baliol engaged to take her to wife, adding five hundred pounds a year to her dower. He engaged alſo, to make proviſion for David, according to the determination of the king of England and his council; provided that this ſhould not require him to quit with his crown. The articles of the military aid and marriage were enforced by heavy penalties, to be incurred by Baliol on failure; and, for farther ſecurity, Baliol promiſed to renew his letters patent, at his firſt parliament, and to obtain their aſſent to every thing he had therein promiſed. There was alſo another treaty concluded between the two kings at the ſame time and place, declaring, that the king of England had engaged for himſelf, and his heirs, to aid and maintain at his own coſt Edward Baliol, and his heirs, in the kingdom of Scotland, againſt all attempts by war or force to expel him from that kingdom. On conſideration of which, and the great benefits already received from the Engliſh king, Balliol engaged to aſſiſt the king of England, in perſon, with all his power, and at his own expence, in England, Wales, or Ireland, on receiving ſix months warning; and theſe engagements he alſo promiſed to confirm at his next parliament, in the ſame manner as the former.

Dec. 2. Very ſoon after this convention, the king of England held his parliament at York; where were preſent, the lord Henry Beaumont and the earl of Athol, from Edward Baliol, and alſo envoys from David Brus. The king conſulted this aſſembly about the meaſures he ſhould follow with regard to Scotland, in the preſent circumſtances of that kingdom: whether he ſhould ſeize it as his own domain and property, or, by aiding Baliol, ſhould content himſelf with recovering the homage and ſervices his anceſtors had enjoyed. But moſt part of the eſtates being abſent, and particularly the prelates, by reaſon of the wonted ſtrife between the archbiſhops of Canterbury and York, no anſwer was given. Still it was thought expedient to treat with the guardian and nobles

* Every *movement*, in the feudal language, or change of lord or vaſſal.

of

of king David's party; and for this purpoſe, the lord Ralph Baſſet and William Denum received a commiſſion, in the middle of December. The chief purport of their commiſſion, as ſome hiſtorians relate, was to require that David, as a condition of peace and friendſhip with the king of England, ſhould perform homage and ſwear fealty to the latter; and ſhould alſo reſtore to him Berwick on Tweed, which his father and grandfather had poſſeſſed. David Brus, K. of Scotland. 1332. Rym. ib. 540.

It is probable, that a ſore diſaſter which befel Baliol, before the end of this year, might incline the court of England to pay more attention to David, and to make him offers of friendſhip on the ſame conditions that had been agreed to at Roxburgh by Baliol. This latter, after having received to his peace and allegiance, at Irwin, Alexander Brus, earl of Carrick, and lord of Galloway, and ſeveral other nobles, went to Annan, a town belonging to his patrimonial eſtate; where he intended to keep the Chriſtmas feſtival, or, as ſome relate, to hold a parliament for ſettling the affairs of his kingdom. But while he remained here, without apprehenſion of danger, he was attacked at dead of night by John Randolph earl of Murray, the lord Archibald Douglas, and Simon Fraſer; who, by order of the guardian, had collected for this exploit one thouſand choſen men at Moffat. Baliol's retinue made a brave reſiſtance; wherein Henry his only brother, greatly diſtinguiſhed himſelf, but was at laſt ſlain, together with Walter Comyn and others. Alexander Brus was taken, but reſcued from death by his couſin the earl of Murray. The king himſelf, half naked, fled on a horſe without a ſaddle over the ſands of Solway into England. He was hoſpitably received at Carliſle by the lord Dacres conſtable of the caſtle of that city and ſheriff of Cumberland; and after ſpending his Chriſtmas with Dacres, removed to Weſtmoreland, where the lord Clifford entertained him in his caſtles of Appleby and Brough. In reward of this ſeaſonable hoſpitality, the exiled king made a grant to Clifford and his heirs of Douglas-dale in Scotland. Dec. 16. Ford. ib. Dugd.

The circumſtances of Baliol, and in conſequence thereof, the irreſolution that probably for a while prevailed in the counſels of the king of England, might perhaps be the reaſon that a new meeting of the Engliſh parliament at York, in January, gave the king no poſitive advice about his proceedings with regard to Scotland. They expreſſed their deſire that, the matters in deliberation being difficult and of great importance, he would conſult the Pope and the king of France about them; and, in the mean time, would appoint wardens for the northern marches. Cotton's Abr. p. 14.

The expulſion of Baliol from Scotland, while it might incline the king of England and ſome of his council to abandon him, and to enter into pacifick meaſures with the regency of David Brus, would encourage the latter to aſſert the favourite independency of the Scottiſh kingdom, with that determined ſpirit they had formerly ſhewn in the moſt deſperate circumſtances. Accordingly they are ſaid to have rejected the demands of Edward with diſdain. On the other hand, Edward was now too far engaged in the career of ambition to deſiſt. He therefore finiſhed and ratified his bargain with the exiled king, whoſe procurators, ſent for that purpoſe from Brough in Weſtmoreland to the Engliſh court, were, Alexander de Moubrai and John de Felton, jointly and ſeverally impowered to conclude, Froiſſ. Rym. ib. 548. A. D. 1333. Feb. 12.

and

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and to confirm, by their oath upon their maſter's ſoul, all things contained in the letters patent drawn up at Roxburgh.

1333. Mutual incurſions began about this time on the borders; by which incurſions the king of England affirmed, that the Scots were the aggreſſors, and firſt breakers of the peace; and, on this footing, ſought to juſtify his own conduct at the courts of France and Rome. In briefs to the ſheriffs of the three northern counties, dated March 23d, he ſays, that the Scots, with a great army and banners diſplayed, had already ſeveral times entered England, committing miſchiefs of all kinds; notoriouſly breaking the late peace, and moving war *. By theſe briefs the ſheriffs are commanded to make proclamation, that the inhabitants of the invaded counties ſhould retire with their moveables to the interior parts of the kingdom, where the king had given proper orders for their hoſpitable reception and entertainment.

Rym. ib. 557. Ib. 551.

Knight. The firſt inroad, related by hiſtorians, is that which the lord Archibald Douglas, at the head of more than three thouſand choice men, made about the 20th of March, into Gilleſland † and the eſtates of the lord Dacres, wherein he ſpread deſolation to the extent of thirty miles. He returned in a few days without any encounter. Retaliation however was ſoon made, by an incurſion of Sir Anthony Lucy of Cockermouth, and William of Loughmaban, who having, with eight hundred men, penetrated above twenty leagues into Scotland, were attacked by Sir William Douglas keeper of the caſtle of Lochmaban. After a very fierce conflict, wherein lord Lucy was ſore wounded, the victory fell to the Engliſh. More than one hundred and ſixty Scottiſh men at arms were ſlain, among which were lord Humphrey Gordon and Sir William Carliſle; and Sir William Douglas himſelf, Sir William Baird, and a hundred more, were made priſoners. Sir William Douglas was eſteemed ſuch a prize, that orders were ſent from the king of England to the lord Dacres, conſtable of the caſtle of Carliſle, or his lieutenant, to detain him in iron fetters, and not to liberate him without ſpecial orders ‡. Another inroad, towards the other end of the marches, was made by the Engliſh as far as Haddington, in the time of the fair of that town.

Walſ. Dugd.

Rym. ib. 552.

The Engliſh writers ſay, that king Edward, on being refuſed by the Scottiſh regency, the homage of their king and the reſtitution of Berwick, ordered his ambaſſador or herald to give David a public defiance, which in

* So he writes to the French king from Newcaſtle, May 7, that the guardian and great men of Scotland had made ſeveral hoſtile incurſions into England, and ſo openly broken *the peace made with Robert Brus.* Here is no mention of the four years truce with Scotland, which Knighton and others ſay, was expired before the king of England entered into this war. This truce appears to be a mere fiction, contrived to juſtify Edward againſt the too well-founded charge of breach of publick faith; and of cruelty to his ſiſter, and her huſband David Brus.

† Gilles-land is a tract of land in Cumberland, to the north weſt of Carliſle, in the direction of the Roman wall. The little river Gelt runs through it (Camd.). It belonged to lord Dacres, on whom it was, perhaps, partly the deſign of this invaſion, to revenge the protection he gave to the fugitive king.

‡ Sir William Douglas is called, in the order from the king to Dacres, Sir W. D. of Polerte. Fordun ſays, that, as it were, the flower of knighthood in all Annandale, was taken by the Engliſh at Lochmaban, among which captives was Sir William Douglas of Liddeſdale. His countrymen called him the flower of chivalry. Ford. l. 13. c. 27. Godſc.

the cuſtoms of that time was equivalent to a declaration of war. The rendezvous of his forces for proſecuting this war, was appointed at Newcaſtle, on Trinity Sunday. But in the mean time, for guarding his marches and repelling the attacks of the Scots, he ſent toward Scotland a conſiderable body of forces, under his couſin Henry earl of Lancaſter, the earl of Arundel, the lord William Montague, and Ralph lord Neville, by whom Edward Baliol, and the few that had followed him into England, were re-conducted into Scotland. Theſe forces took a certain fortreſs near the borders, where they found, and reſtored to liberty, the lord Robert Colville, and ſeveral other perſons of note of both ſexes, who had been made priſoners by the Scots in their late incurſions. The Engliſh army marched next to Berwick, and began to beſiege it on the 12th of April *. The Scots, knowing that the reduction of this place would be one of the firſt and chief enterpriſes of their adverſaries, had endeavoured, to the utmoſt of their power, to ſecure both the town and caſtle by numerous garriſons; and had intruſted the keeping of the town to Sir William Keith, and of the caſtle to Patrick earl of Dunbar.

David Brus, K. of Scotland. 1333. May 16. Dugd. i. 686. Rymer.

The keeper and garriſon of the caſtle of Roxburgh having continued faithful to Baliol, he was, on his return to Scotland, received into it; and remained for ſome time in it, waiting the arrival of the king of England. The guardian, Sir Andrew Murray, endeavouring to force his way over the bridge that led to the town and caſtle, met with a firm and vigorous reſiſtance from the Engliſh; and in endeavouring to reſcue one of his retinue, an eſquire, who in the ſhock was beaten down and in the utmoſt hazard, was himſelf encloſed by his enemies and made priſoner. Yet he would not as ſuch ſurrender, until he was preſented to the king of England at Durham, where he yielded himſelf the priſoner of that king. This loſs of their guardian obliged the eſtates of Scotland to make choice of a new one; and the perſon elected was Archibald Douglas, lord of Galloway, brother of the famous lord James.

Ford. l. 13, c. 627.

The king of England, animated by all the ardour of a young hero, approached the ſcene of action early in the ſeaſon. He was at Durham on the firſt of April, and thither his queen ſoon followed him. On St. George's day, being advanced to Newcaſtle, he thence ſent letters to the prelates of his kingdom, aſking and requiring their prayers for the ſucceſs of his expedition. On the ſeventh of the following month, he dated a letter to the French king from Belford, a place within a few hours march of Berwick †. This letter ſhews, that Edward, in his former correſpondence with that monarch, had been amuſing him with promiſes of regulating his conduct towards Scotland agreeably to Philip's advice: but now he tells him, that the ſtate of affairs is wholly altered, as the open hoſtilities committed againſt his kingdom by the guardian and other nobles of Scotland, which he could bear no longer, obliged him to apply ſuch remedies as circumſtances required.

Wharton, Ang. Sac. vol. 760. Rym. vol. iv. P. 553. Rym. ib. 557.

* Aveſbury ſays, that this ſiege was commanded by the lord William Montague.

† This letter was in anſwer to one from the abovementioned king, dated 22d March.

King

Edward III. K. of Engl. nd. 1333. Froiſſ. c. 27.

King Edward having arrived at Berwick, remained about a month before it; and finding, from the ſtrength of the garriſon and its reſolute defence, that the place could not be ſoon taken, led part of his army into Scotland. In this expedition he took and garriſoned the caſtle of Edinburgh, and, paſſing the Firth at Queen's-Ferry, overran all the country as far as Scone and Dundee; and on the other ſide, carried his ravages to the neighbourhood of Dunbarton; in which ſtrong caſtle king David and his queen were placed, as in a ſecure retreat. The fighting men and inhabitants, who would not ſubmit to Baliol and the Engliſh, retired with their moveables to the faſtneſſes of the country; the moſt noted of which, in thoſe days, was the *foreſt* of Jedburgh. On his return towards Berwick, Edward took the caſtle of Blackneſs; and reſolving to keep that fortreſs, he left in it a garriſon for its defence. He is ſaid to have been annoyed in his march by briſk onſets from parties of the inhabitants, where places and occaſions favoured: but a general engagement the Scots were ſo wiſe as to avoid, agreeably to the example and dying advice of the ſagacious king Robert Brus; which if they had continued to obſerve, it would have ſaved them from the deſtruction that was now faſt approaching them.

Thoreton's Noting. p. 264. as quoted by Barnes, p. 74.

Ford. vol. ii. c. 26. Buchan, l. 9. c. 12.

The king, on his return from Scotland, found Berwick ſtill holding out; and being reinforced with a freſh body of troops from Ireland and Aquitaine, under the command of John lord d'Arcy, he declared his reſolution not to leave it until he had either reduced it, or battle ſhould be offered him by the Scots ‡. As we have no account of aſſaults made, or engines employed by the Engliſh in this ſiege, it ſeems to have been a ſtrait blockade by ſea and land, whereby all ſupply of proviſions was cut off. The beſieged endeavoured to drive off their enemies, or to force paſſages through them, by many vigorous ſallies: They made a ſucceſsful aſſault upon the Engliſh fleet; a great part of which, it is related, they burnt or ſunk. In this action Sir William Seton, the baſtard ſon of Sir Alexander Seton, was drowned, by failing in a leap he made from one veſſel towards another; and in a ſally by land, one of Sir Alexander's legitimate ſons was taken priſoner. The garriſon cheriſhed the hope, that, after ſo long a defence, their countrymen would not ſuffer them, with the town and caſtle, eſteemed the chief key of the kingdom, to fall into the hands of their enemies. To theſe hopes correſponded the wiſhes and endeavours of all good Scotchmen; ſo that lord Archibald Douglas found it eaſy to collect a very numerous army from the different corners of Scotland, led by their gallant nobles and chieftains, and full of ardor to defend their native country and repel its formidable invaders. This army lord Douglas led

‡ The king's head-quarters, during the ſiege of Berwick, as appears from the dates of ſeveral papers, were at Tweedmouth. If we are to judge of the continuance of his expedition into Scotland, by the longeſt interval in the dates of theſe papers, it was not more than eighteen days, viz. from the 8th to the 26th of June. Froiſſard, who is the chief authority for this expedition, gives a very erroneous account of the tranſactions of this period. He ſays, for inſtance, that king Edward was ſix months in Scotland: and, what is ſtrange, he relates the taking of Berwick, which he corrupts into Warwick, without ſaying a word of the famous battle of Haledon-Hill. Froiſſard, vol. i. c. 26, 27.

to the neighbourhood of Berwick: but inſtead of attacking the army of England, that lay before that place, he croſſed the Tweed, and, in ſight of the town, marched along the coaſt towards the caſtle of Bamburgh; which being eſteemed impregnable, was choſen by the king of England as a ſecure reſidence for his queen. The Scottiſh army conſumed ſome days in blocking up that fortreſs, and in ravaging the adjacent parts of Northumberland; hoping that Edward's ſolicitude for his queen, and deſire to hinder the deſtruction of a very fertile ſpot of his kingdom, would make him abandon the ſiege of Berwick.

David Brus, K. of Scotland, 1333.

Walſingham, as quoted by Tyrell, vol. iii. p. 378.

But the temper and character of the Engliſh lords, and their ſovereign, differed much from what they had been in the former ſiege of that place in 1318, which had been raiſed by a ſimilar plan of proceeding. And the garriſon beginning now to feel a ſcarcity of proviſions, entered into a treaty of capitulation with the king of England; which he granted the more readily, as one of its articles gave him, what he ardently wiſhed, the agreeable hopes of an engagement with the Scottiſh army. This capitulation was concluded on the 15th of July *. The principal conditions were, that both the town and caſtle

Rym. vol. iv. p. 564, 565. 567, 568.

* The indentures of this capitulation, betwixt Edward king of England and Patrick de Dunbarre earl of March, governor of the caſtle, and Sir William Keith governor of the town, were ſubſcribed, the former on Thurſday the 15th, and the latter on Friday the 16th of July. The names of the hoſtages delivered to Edward, from the caſtle and town, for the performance of the capitulation, were Edward de Letham, John de Fiuz, and John de Hoom.

The Scottiſh hiſtorians, Boece and Buchanan, relate a barbarous action committed by Edward at this time, in ordering two of Sir Alexander Seton's ſons to be hanged, contrary to the expreſs conditions of a treaty.

After the ſiege of Berwick, ſay theſe hiſtorians, had been continued ſo long as to reduce the garriſon to conſiderable ſtraits, a truce was concluded for a certain number of days; on condition that if within that time the town and caſtle were not relieved by the Scottiſh army, they ſhould both ſurrender to the Engliſh king. Hoſtages were given by the Scots for ſecurity of their performing this agreement, one of whom was Sir Alexander Seton's eldeſt ſon; and liberty was granted by Edward to Sir William Keith, to inform lord Douglas, the guardian of Scotland, of the preſent ſituation of the place. But ſoon after the concluſion of this treaty, Edward, apprehending from the approach of the Scottiſh army, that he would be robbed of the ſo much deſired prey, now almoſt within his graſp, required Sir Alexander Seton, who, the above-named authors relate, was governor of the town (*a*), immediately to ſurrender the place; threatening, if he refuſed, to hang his eldeſt ſon Thomas, whom he had received as an hoſtage, and alſo his ſecond ſon Alexander, whom he had formerly taken priſoner. Seton remonſtrated, that the day agreed on was not yet arrived, and complained vehemently of ſo groſs a violation of faith; but Edward, regardleſs of his complaints, ordered a gibbet to be erected, in full view of the town, and both his ſons to be led forth to execution. Theſe hiſtorians farther add, and this part of their ſtory they are at great pains to adorn, that in the ſore ſtruggle which ſo woeful a ſpectacle excited in the breaſt of the parent, fondneſs for his offſpring was like to have prevailed over patriotiſm and honour; but that his lady in time interpoſed, and by her powerful and ſpirited exhortations, and at laſt by hurrying him away from the view of the horrid ſcene, ſaved her huſband the ſhame of betraying the truſt repoſed in him by his country. The unrelenting king, however, both authors affirm, proceeded in his cruel purpoſe, and Seton's two ſons were hanged. The Engliſh hiſtorians, almoſt without exception, reject this ſtory as a malicious fable, invented to aſperſe the character of their favourite monarch. Indeed the behaviour aſcribed to Edward, in the above relation, is ſo unworthy of him, that it is altogether undeſerving of credit.

Boece, l. 9. p. 314. Buchan. l. 9. c. 13.

(*a*) It is probable that Seton was deputy governor, or next in command to Keith.

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caſtle ſhould be delivered to Edward on the 20th of the above-mentioned month, if not relieved before that time with two hundred men at arms from the Scottiſh army, or by a battle; that in the interval there ſhould be a ceſſation of arms on both ſides; that in the event of a ſurrender, the lives of the garriſon and inhabitants ſhould be preſerved, and their properties ſecured; and to ſuch as inclined to leave the town, liberty ſhould be granted to depart, and forty days allowed them to diſpoſe of their effects. Leave was alſo given to the garriſon of the town to ſend Sir William Keith their governor to inform lord Douglas of this capitulation, and the other circumſtances of their preſent ſituation.

Ford. v. ii. c. 27. Walſing.

Agreeably to this treaty Sir William Keith repaired without delay to the Scottiſh army; and the entreaties he employed, together with the repreſentation he gave of the ſuperiority of the forces of his countrymen to thoſe of England, concurring with the martial ardour of the guardian, a reſolution was formed, contrary to the opinion of many of the Scottiſh nobles, of attempting to relieve Berwick by a battle, before the time appointed for its ſurrender. On the 18th of July, the day before the engagement, lord Douglas led his army over the Tweed, and encamped at a place called Dunſepark or Bothul; whence he advanced towards the Engliſh, whoſe army was drawn up on

Chron. Lanercoſt & Scala, Tyrell, vol. iii, p. 379.

Tyrell, a candid and induſtrious compiler of Engliſh hiſtory, gives, from two manuſcripts, which he ſays are of ſufficient authority, an account of a tranſaction between Edward and Seton, which, though it does not clear the king of the charge of cruelty, yet throws the perfidy wholly on the Scottiſh commander. According to this account, when the truce concluded on the terms related by Boece and Buchanan expired, Edward immediately ſummoned the beſieged to ſurrender; Seton anſwered, that he could not yield the place, as he expected in a very few days to be relieved by his countrymen: the king inſiſted loudly on the expreſs terms of the truce, by which he was obliged to ſurrender without farther delay: Seton ſtill refuſed, and even attempted to evade and explain away the articles of the truce; at this the king was ſo incenſed, that, by the advice of his council, he cauſed one of his ſons to be hanged up in his ſight. The execution of young Seton, which was certainly a very harſh meaſure, is ſaid to have induced thoſe in the town, who had given their ſons for hoſtages, earneſtly to ſolicit new terms from the king, who conſented to a prolongation of the truce for eight days more; within which time, if they were not relieved by the junction at leaſt of two hundred men at arms, they were to deliver up the town and caſtle without farther delay.

This account of the affair however is attended with difficulties; it cannot well be ſuppoſed, after ſo ſevere a ſtep as the execution of Seton's ſon, that either the king or the garriſon would be in a diſpoſition to treat. Beſides, the above relation diſagrees with the record. The names of the hoſtages delivered to Edward for the fulfilment of the treaty of capitulation are there mentioned; Seton's ſon is none of them. But if we ſuppoſe there was a former treaty of ſurrender, for the obſervation of which young Seton might have been a hoſtage, and might have ſuffered, and that the prorogation of the truce mentioned by Tyrell is the ſame with the treaty of capitulation taken notice of in the text, one would think in that capitulation, if it was only a prorogation of a former treaty, the former treaty itſelf would have been referred to.

But after all, it is probable there is ſome truth in this ſtory, and that a ſon of Seton was really executed by order of Edward, though the preciſe circumſtances of it cannot now be aſcertained. For, beſides the relations of this affair by the authors above-mentioned, Fordun, a writer deſerving credit, informs us, that Edward commanded a gibbet to be erected, and Seton's ſon Thomas to be hanged in ſight of both his parents; but agrees with Tyrell's authorities, that this execution did not take place until the time fixed upon for the ſurrender of the town expired. That ſuch an execution actually happened, is farther confirmed by a tradition that has continued in Berwick down to this day: the very place of it, on the ſouth ſide of the river, a little above the bridge, well agreeing with the account given by hiſtorians, of its being full in view of the ramparts of the town, is ſtill pointed out, and is vulgarly called by a name derived from that event. (Hang a Dyke Nook.)

Ford. vol. ii. l. 13. c. 28.

Haledon

Haledon hill, a very conſiderable eminence on the weſt of the town, riſing by a gradual acclivity from the banks of the river, and on the other ſide and weſt end, having a ſhorter but ſteeper aſcent; this eminence, commanding the proſpect of all the approaches to Berwick, afforded, from its ſuperior height, a very advantageous poſition for attacking an army approaching the town on the ſide of Scotland. Notwithſtanding this manifeſt diſadvantage, the Scots eſteemed it prudent to fight in their country, for the ſake of a more ſecure retreat if the battle ſhould prove adverſe; and perhaps they intended, on the oppoſite event, to make the flight of the Engliſh impoſſible, by delaying their attack until the time of full tide in the Tweed; which rendered the river unpaſſable, and which, on that day, happened at mid-afternoon.

David Brus, K. of Scotland. 1333.

Barnes's Hiſt. Edw. III. p. 78.

Two Engliſh writers give a very particular account of the diſpoſition of the Scottiſh army into four great bodies or battles, and of the men of diſtinguiſhed authority in each of theſe. At the head of the firſt battle was John Murray, in room of John Randolph earl of Murray; the principal of his attendants were lord Andrew Fraſer, with his two brothers Simon and James. The ſecond diviſion was led on by Robert lord high ſteward of Scotland; along with him were the principal men of his kindred, and the earl of Monteith. At the head of the third diviſion were, the earls of Roſs, Sutherland, and Strathern: and the fourth was conducted by lord Archibald Douglas, guardian of the kingdom of Scotland, and commander in chief, accompanied by the earls of Lennox and Carrick. The ſeveral bodies that compoſed the Scottiſh army are ſaid to have amounted in the whole to about ſixty-eight thouſand men; a far greater number than was ever uſual for the Scots to bring into the field, and very unlikely to be at this time near ſo great, when one conſiders the loſſes they had ſuſtained by Baliol's victories in the preceding year. We have no certain account of the number of Edward's army: the Engliſh writers repreſent it as greatly inferior in that reſpect to the Scottiſh; and that Edward was, upon this account, under a neceſſity of availing himſelf of the advantageous ſituation he had occupied. But when it is conſidered, that Edward marched northwards in the beginning of the ſeaſon, with all the forces of England, that he had lately received a reinforcement of his Iriſh and Gaſcon ſubjects, and that no mention is made of any conſiderable loſs having been ſuſtained by him, either in the courſe of the ſiege, or in his expedition into Scotland, it ſeems moſt likely, that the Scotch authors ought rather to be credited, in affirming that their countrymen were much inferior in number to the Engliſh †. Edward, and Baliol king of Scotland, having drawn out all their forces into the field, diſpoſed them into four bodies of foot, in order to receive, and repel the attack of the like number of battalions of their enemies:

MS. C. C. C. Ap. Barnes, p. 78. Knighton, p. 2564.

† Edward, in his letter to the prelates, requiring the offering up of publick thanks, though he ſpeaks of the Scottiſh army being very numerous, yet mentions not the inferiority of numbers on his own ſide, which if conſiderable, he would ſcarce have failed to have noticed. Rym. vol. iv. p. 568. There is alſo an order, dated at Newcaſtle Auguſt 4th, which ſhews, that the king had remitted proſecutions and outlawries againſt thoſe who ſerved him faithfully in his late war with Scotland; the promiſe of this would bring in a great number to ſerve the king, and the granting of ſuch a privilege ſhews the great deſire he had to increaſe his numbers. Rym. ib. 573.

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Stowe, p. 231. Sir Richard Baker, in his account of men of note in king Edward's time.

each of theſe bodies were winged with bands of choice and ſkilful archers ‡. When both ſides were ready to engage, the ſhock of battle was a while ſuſpended by the appearance of a Scotchman of gigantic ſtature, who had acquired the name of *Turnbull*, on account of a brave exploit he had performed, in ſaving king Robert Brus from being gored to death by a wild bull, which had overthrown him while he was hunting. Attended by a great maſtiff, Turnbull approached the Engliſh army, and challenged any perſon in it to come forth, and fight a ſingle combat with him. After a ſhort pauſe of aſtoniſhment, the challenge was accepted by Sir Robert Benhale, a young Norfolk knight, inferior to the Scot in ſtature, but of great bodily ſtrength, and yielding to none in military addreſs. The maſtiff flying out againſt Benhale, the brave knight brought a heavy blow upon its loins, and ſeparated its hinder legs from the reſt of its body; and, encountering immediately with Turnbull, he eluded by his addreſs and agility the blows aimed at him, and firſt cut off the left arm, and then the head of his adverſary.

MS. C.C.C. Ap. Barnes, p. 79. Fordun. Boece. Buchanan. Knighton.

Notwithſtanding this unfavourable beginning, and the great advantage of the ground poſſeſſed by the Engliſh, the Scottiſh army made a vigorous effort to aſcend the hill, and to come to blows with their enemies. To make the danger equal, the leaders, chieftains, and men at arms, having left their horſes to the care of their valets, advanced all to the combat on foot. But the Engliſh archers, from the different parts of the hill on which they were ſkilfully ſtationed, poured ſuch ſhowers of arrows on the cloſe batallions of their enemies, as were not to be borne. The Scots, by this means thrown into confuſion, were attacked by the Engliſh ſpearmen and men at arms, while diſpirited and breathleſs by climbing up the hill, and a great ſlaughter begun. Yet the Scots ſtill rallied, and fiercely maintained the battle, until the general fell, being ſtruck through with a ſpear: after which a total rout and terrible deſtruction enſued. The valets ard pages who had the charge of the horſes, rode off with them at full ſpeed, attentive only to their own ſafety, and leaving their maſters a helpleſs prey to their enemies. Thoſe who attempted to fly on foot were overtaken by the Engliſh men at arms, who now mounted their horſes for the purſuit, and deſtroyed their adverſaries without mercy; little or no quarter being given. Many, who faced about ſingly, or in ſmall bodies, were every where overpowered by ſuperior numbers of victorious foes. Edward, at the head of a choice brigade of cavalry and archers on horſeback, attended by lord D'Arcy, with the troops he brought from Ireland, led on the chace and directed the ſlaughter. The purſuit was continued five miles from the field of battle. The Engliſh hiſtorians relate, that the Scots loſt, on this fatal day, eight earls, ninety knights and bannerets, four hundred eſquires, and thirty-five thouſand private men. It may be juſtly doubted whether the whole number of the Scottiſh army was ſo great. The Scottiſh writers acknowledge the loſs of ten thouſand men. Boece makes them amount to fourteen thouſand. The chief of the ſlain were, the general

‡ One of Leland's authors ſays, that the Scots in this battle were vanquiſhed by the archers of the Engliſh, in a place called Bothul, nigh Haledon, and not far from Berwick. Lel. Coll. i. 250.

himſelf, after giving ſtriking proofs of unavailing bravery *, the earls of Roſs, Sutherland, Carrick, Athol, Lennox, and Monteith, three Stewarts, uncles of Robert the lord high ſteward, three Fraſers, Sir John Graham, Sir Duncan Campbell, and Sir William Tudway. Some conſiderable perſons were alſo taken priſoners; among whom was Sir William Keith governor of the town of Berwick †: and all theſe Boece ſays, were, by Edward's order, put to death on the morning of the day after the battle: a circumſtance ſo improbable, and ſo injurious to Edward, as to require much better authority for verifying it than that of Boece; beſides, it is an undoubted fact, that ſome of theſe very perſons were alive long after this engagement. The loſs of the Engliſh in this remarkable battle was very inconſiderable; but their hiſtorians diminiſh it beyond all probable bounds, in relating, that on their ſide fell only one knight, one eſquire, and twelve or thirteen footmen ‡. David Brus, K. of Scotland. 1333.

On the day after the battle, the caſtle and town of Berwick were ſurrendered to the victorious king, who faithfully obſerved the articles of capitulation. Edward ſtaid ſome days in Berwick to refreſh himſelf and his army after their late fatigues; from thence he iſſued orders to all the archbiſhops and biſhops of his dominions, to cauſe public thanks to be every where rendered to Heaven for his late ſucceſſes. As a farther monument of pious gratitude, by the advice and aſſent of the prelates and nobles at that time attending him, he made a donation for himſelf and ſucceſſors of 20 *l.* a-year to the Ciſtertian nuns, whoſe convent was ſituated in the neighbourhood of the field of battle. The conventual church and other houſes of theſe nuns, which had been burnt and deſtroyed in the courſe of the war, were ordered to be repaired and rebuilt at the king's expence, and a new altar to be erected in their church in honour of the virgin St. Margaret, on whoſe eve the battle was fought; at which altar ſolemn offices were appointed to be performed, in grateful remembrance of the victory, and in honour of the virgin on her eve and day, through all ſucceeding times. To theſe demonſtrations of pious gratitude, the young king is ſaid to have added, on his leaving Berwick, a progreſs to ſeveral of the moſt celebrated ſanctuaries of his kingdom, to offer up his charities and devotions; thus affecting, like moſt other conquerors, to draw Heaven to his party, and to regard the ſucceſs accompanying the moſt unjuſt enterpriſes, as a proof of the peculiar favour of the Deity. Rym. tom. p. 568. July 22. Ib. 571. Wall. Hiſt. p. 114.

Edward, before he left Berwick, received the fealty of Patrick earl of March and Dunbar, and gave him letters of protection for his perſon and poſſeſſions; but appointed him to rebuild, at his own expence, his caſtle of Dunbar, and to admit into it an Engliſh garriſon. This fortreſs the earl had demoliſhed from deſpair of being able to defend it, and to prevent Edward Knighton, p. 2564. Boece, l. 15. p. 316.

* The ſpot where lord Douglas was ſlain, is ſtill known by the name of Douglas Dyke.

† The other priſoners of diſtinction were, Sir William Douglas, Sir Robert Kirkpatrick, Sir William Campbell, Sir Gilbert Wiſeman, Sir Alexander Graham, and Sir Oliver Sinclair.

‡ Edward in the orders for a public thankſgiving, mentioned in a preceding note, ſays, that the battle was gained without much loſs on his ſide (*abſque læſione magna gentis noſtræ*). This expreſſion however, ſeems to import a greater number than that mentioned above. Rym. t. iv. p. 568.

from

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from ſeizing it and making it a place of ſtrength. The like fealty was rendered by ſeveral perſons within and without the town of Berwick *, and by the convents in the adjacent country †. Edward reſolving to retain Berwick as his property by conqueſt and inheritance, as well as by the grant of Baliol, appointed the lord Henry Percy governor of the caſtle ‡, and gave a commiſſion to him and the earl of March, to act as joint wardens of all the country on this ſide the Scottiſh ſea, which he had received to his peace. He required alſo, for ſecuring the town of Berwick in his allegiance, twelve hoſtages to be choſen out of the children of the men of beſt rank and credit in the place, eight of whom were ſent to Newcaſtle and four to York.

Rym. tom. iv. p. 570. Barnes, p. 80. Knyghton, p. 2564. Rym. tom. iv. p. 581.

Auguſt 10. Knighton, p. 2565.

Soon after the battle of Halidon-hill, Edward Baliol led into Scotland an army of 26,000 men, conſiſting of the Engliſh who had become followers of his fortune, and the Scots who had ſubmitted to him: and ſuch was the weakneſs and general conſternation of king David Brus's party, that no reſiſtance was made to Baliol, and the whole kingdom was reduced, excepting the caſtles of Dunbarton, Lochleven, Kildromy, Urquhart, and Louchdoun. From the firſt mentioned ſtrong fortreſs, the young king, now ſtripped of his kingdom, was, together with his queen, about this time conveyed to France §, where king Philip received and entertained them in the moſt humane and generous manner.

Ford. v. ii. c. 28. Fabian. ap. Barnes, 81. Froiſſard, c. 33.

After Michaelmas, Edward Baliol held his parliament at Perth, where the Engliſhmen who claimed lands as their inheritance in Scotland, came and did homage to him for theſe lands, as others did for lands now granted them in reward of their ſervices. The lord Henry Beaumont, David Strathbolgi earl of Athol, and lord Richard Talbot, had reſtored and confirmed to them the extenſive poſſeſſions of the Cumins of Buchan and Badenoch ‖. The lord Henry Percy obtained a grant of the peel or fortreſs of Lochmaban, with the vallies of Annandale and Moffatdale; all which were parts of the eſtate of the late famous Randolph earl of Murray. Strathern was granted to the earl of Surrey, in recompence of his labours and expences in the Scottiſh war; and Ralph lord Neville of Raby, lord John Moubray, and Sir Edward Bohun, brother to John earl of Hereford, had lands beſtowed on them for their eminent ſervices to Baliol. This parliament is ſaid to have revoked and annulled all acts and ordinances made by the kings Robert and David, and to have declared void all their grants of lands and poſſeſſions, and to have ordained theſe to be reſtored to their former rightful inheritors. The lord Henry Percy, and Ralph Neville ſteward of the king's houſehold, with two

Walſ. and M. S. ap. Barnes, p. 82.

Dugdale, as quoted by Barnes, p. 82.

Rymer, iv. 595.

Barnes, ib.

Holingſhed, Eng. Chron. p. 896.

* The Scottiſh writers, Boece and Buchanan, ſay, that allegiance was ſworn to Edward by ſir Alexander Seton, whom they always mention as governor of the town. Perhaps Sir William Keith the governor, ſwore this allegiance. Knighton ſays, Sir Alexander Ramſay and Sir Robert Miners took an oath of fealty to Edward.

† Namely, of Melroſs, Kelſo, Coldſtream, Eccles, and Coldingham; to all which the like protections were alſo given. Rym. ib.

‡ Sir Thomas Grey was appointed his lieutenant. Dugd.

§ By Malcolm Fleming of Cumbernauld, governor of the caſtle of Dunbarton.

‖ See the ground of their claims to theſe eſtates above, p. 295.

others *, were deputed by the king of England to attend this Scottiſh parliament, in order to ſeek and proſecute the approbation, confirmation, and fulfilment of the conventions between the king of England and his couſin the lord Edward Baliol king of Scotland, and farther to do what ought to be done in the premiſes by or for their maſter the king of England. David Brus, K. of Scotland. 1333. Rym. ib. 576.

It doth not appear what hindered the ſettlement of affairs between the ſovereign and vaſſal kings in Baliol's firſt parliament at Perth; but it is certain, things were not finiſhed until a new Scottiſh parliament met at Edinburgh, in the chapel of Holyrood-houſe in February. To attend this, a commiſſion, in the ſame terms with the former, was given to five perſons, of whom the lords Percy and Neville were ſtill two, but thoſe conjoined with them were men of greater names and eminence than their partners in the former commiſſion; the three latter were, Edward de Bohun couſin to the king, William de Montague lord of Man, and Geffrey le Scrop chief juſtice of England †. By virtue of this commiſſion Geffrey le Scrop appeared at the bar of the parliament, and publickly required Baliol to perform and ratify all former promiſes and contracts, which he had come under to his ſovereign lord Edward king of England. To this requiſition Edward Baliol readily gave his conſent; and four writs were drawn up, and received the ſanction of the vaſſal king and his parliament. By the firſt, Baliol was obliged to pay to Edward 2000*l. per ann.* as due for the aids granted to aſſiſt him in recovering his inheritance. In the ſecond, he was bound to accompany him in his wars with the forces of Scotland. In the third, he declared and atteſted the homage paid by him to Edward for the Scottiſh kingdom. And in the fourth, he alienated the town, caſtle, and county of Berwick, thenceforth to be enjoyed by the king of England and his heirs, ſeparate from Scotland, and perpetually annexed and united to, and incorporated with, the royal dignity of the crown and kingdom of England. A.D. 1334. Rym. tom. iv. p. 588. ib. 590, 591, 592, 593, 594. Rym. tom. iv. p. 594.

As Edward Baliol's exaltation to the throne of Scotland, was wholly the work of the king of England and ſome of his nobles, actuated by the views of private intereſt and ambition, he ſoon began to find himſelf treated by them as their creature and tool. An inſtance of this appeared ſoon after the breaking up of the parliament, whoſe proceedings we have been relating. The friends, or as the king of England calls them, the accomplices of Malis earl of Strathern, ſolicited Baliol to reverſe his forfeiture, and to reſtore to him his earldom, which Baliol had beſtowed on John de Warrene earl of Surrey. Theſe ſolicitations being likely to prove ſucceſsful, the king of England, importuned no doubt by the earl of Surrey, wrote to Baliol a letter in a menacing ſtrain, admoniſhing him not precipitately to undo in his proſperity, what he had granted to the well-deſerving in his adverſity, leſt the earl of Surrey, and others in the like circumſtances, ſhould be obliged to think of another remedy. He alſo wrote to lord Henry Beaumont, as the perſon who was entitled to the greateſt influence with Baliol, and to whom he principally Rym. ib. 595, 596.

* William de Shareſhall and Thomas de Baumburgh.

† Two notaries were alſo ſent, to make an authentic record of the tranſactions between the kings in this parliament. Rym. ib.

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owed his crown, to oppoſe the proceedings in favour of the forfeited earl, as being of bad example and dangerous, not only to the earl of Surrey but alſo to lord Beaumont himſelf, and to other Engliſhmen who had obtained the like rewards in Scotland.

The king of England, while thus careful of the intereſts of his ſubjects in Scotland, was not forgetful of his own. Having come to Newcaſtle in June, he did there, in quality of ſovereign lord of Scotland, receive in a publick and ſolemn manner, Edward Baliol's homage and fealty: and there alſo, Baliol, as a recompence for the infinite expences and labours of Edward in recovering and reſtoring to him his inheritance, gave his letters patent to the Engliſh king, aſſigning and alienating to him two thouſand pounds yearly of lands and rents on the borders, where it ſhould beſt pleaſe him. In part of this 2000 *l.* he granted to him the caſtle, town, and county of Berwick upon Tweed, with their appurtenances, to be annexed to the crown of England for ever. And to make full ſatisfaction for the remainder of the ſaid 2000 *l.* of annual revenue, he granted and aſſigned by the ſame deed, the town, caſtle, and county of Roxburgh; the town, caſtle, and foreſt of Jedburgh; the town and caſtle of Selkirk and Ettrick; the town, caſtle, and county of Edinburgh; the conſtabularies of Haddington and Linlithgow; the town and county of Peebles; and the town, county, and caſtle of Dumfries; all to be held ſeparate from the crown of Scotland, and annexed to and incorporated with the crown of England for ever. It is affirmed in this deed, that all theſe extenſive alienations were made by the aſſent of all the orders of the Scottiſh kingdom aſſembled in parliament. Three days after this very extenſive ceſſion of Baliol to Edward, the Engliſh monarch appointed ſix different perſons to take full ſeiſin from the king of Scotland, or any deputed by him, of the above counties with their towns, caſtles, and foreſts; and to be reſpectively the ſheriffs and keepers of theſe during the king's pleaſure, with orders to anſwer for all iſſues and profits of their offices, and to deliver the money ariſing from thence to the king's chamberlain, with a reſervation of ſuch fees to themſelves, as other ſheriffs and keepers of caſtles had been wont to receive. John de Bourdon, the king's beloved clerk *, was conſtituted chamberlain or chief officer of the revenue for the town and county of Berwick, and for all the counties and lands acquired by the ceſſion of Baliol above deſcribed. And the chief magiſtracy of the ſame country, for adminiſtering juſtice according to the law and cuſtom of the kingdom of Scotland, was conferred on Robert Lowedre, with the title of juſticiary of Laudonia, and having a power to ſubſtitute a deputy.

Rym. iv. 615, 616.

Rym. ib. 617, 618.

In the grant made by Baliol to the king of England of all that belonged to him in the town, country, and caſtle of Dumfries, no reſervation had been made of certain lands that the former poſſeſſed there, not as the inheritance of the king of Scotland, but as his own private eſtate belonging to the family of Baliol †. By this neglect Edward might have claimed theſe lands, but upon

* So called in the writ of appointment.

† The lands of Botel, Kenmore, and Kirkandres.

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the miſtake being repreſented to him, he gave his letters patent to the king of Scotland, declaring that, excluſive of theſe lands, he had, by the alienations above named, received the full amount of the ſtipulated 2000 *l. per ann.* and that from *his regard to God*, and *right*, and *good faith*, he granted the above ſaid lands to be ſtill held by Baliol, notwithſtanding the general grant of the latter, upon which the king of England might have claimed them.

David Brus, K. of Scotland. 1334. Rym. tom. iv. p. 618.

Edward Baliol appears in almoſt every part of his hiſtory, ſo mere a tool of the king and nobles of England, that it is difficult to diſcover his own real character. We cannot therefore well judge whether it proceeded from peculiar favour which Baliol bore to Sir Alexander Moubray, or from the love of juſtice and a ſenſe of his real dignity, obliging him to ſupport a righteous cauſe, that he eſpouſed the intereſt of Moubray againſt men ſo great and powerful, and to whom he had been ſo much obliged, as the lord Henry Beaumont, David earl of Athol, and the lord Richard Talbot. Whatever was his motive, Baliol gave a ſentence in parliament in favour of Moubray againſt lord Henry Beaumont, in regard to certain lands held by the former in right of his wife, and claimed by the latter. The earl of Athol and lord Richard Talbot ſupported the claim of Beaumont, their friend and near ally *, in this litigation with great warmth. Hence aroſe, only about two months after Edward had completed his ſettlement of every thing with his vaſſal king, ſuch diſcontent and reſentment, that the offended lords retired from Baliol's court; Beaumont to his earldom of Buchan, in which county were the lands, or part of them, claimed by Moubray, where he fortified his caſtle of Dundarg, and reduced to his obedience the adjacent country. David de Strathbolgi removed to the hills and fortreſſes of his ſtrong and extenſive country of Athol; and lord Richard Talbot choſe to make his retreat to England: on the road in Laudonia, he was intercepted by a party of thoſe attached to king David, eager to embrace the very firſt favourable opportunity given them by the diſcords of their foes; and after a fierce encounter, wherein ſix knights of Talbot's retinue were ſlain, he was himſelf taken and carried to the caſtle of Dunbarton, where he remained a priſoner until the following ſpring, when he paid a high ranſom for his liberty.

Boece. Buch. Aberc.

Buchan. Ford. v. ii. l. 13. c. 29. Sept. 8. Rym. tom. iv. p. 639.

Edward Baliol, not thinking himſelf ſafe in his own kingdom, after being deſerted by men of ſuch power and influence, retired to Berwick. To regain the friendſhip of the offended lords, he agreed to revoke the judgment in favour of Moubray, and to admit Beaumont's right to the conteſted lands. This incenſed Moubray, who, like the lords above-mentioned, indulging fierce reſentment, without reſpect to duty or former attachments, immediately changed his party, and broke out into open rebellion; acting in the ſtricteſt concert with Sir Andrew Murray, the late regent of Scotland for David Bruce, who, about the time of the events above-related, was, by paying a great ranſom, freed from his captivity in England. With theſe powerful chieftains, alſo aſſociated Geffrey de Moubray, who had been appointed by the king of Eng-

Fordun. Buchan.

Knighton.

Rymer.

* The earl of Athol, as was obſerved before, married Beaumont's daughter, and his mother was ſiſter to Talbot's wife. See above, p. 295.

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land ſheriff of the county of Roxburgh, and keeper of the caſtle, and was probably provoked by being removed from both offices. This confederacy proved more formidable and miſchievous to Baliol than that of the former malcontents. Baliol endeavoured alſo to reconcile himſelf ſtill more effectually to the earl of Athol and lord Richard Talbot, by making to the former a grant of the great eſtates of Robert high ſteward of Scotland, and promiſing to pay the ranſom of the latter at his own expence. Soon after this, he levied forces and marched to the weſt of Scotland, with a deſign of putting Athol in poſſeſſion of the ſteward's ample domains, which lay in that part of the kingdom. Robert the high ſteward, was then a minor of fifteen years of age; he was nephew to king David Brus, and next heir to the crown. Though his dependents were unable to defend his caſtles from the prevailing power of Baliol, and to prevent his eſtate from being over-run and plundered, yet ſome of the faithful friends of his family conveyed his perſon to a ſafe retreat in the ſtrong caſtle of Dunbarton.

Tyrell, tom. iii. p. 364.

A parliament that met at Weſtminſter about Michaelmas, being informed of the inſurrection in Scotland, reſolved to ſupport the king in defending his late acquiſitions there: for that effect, they granted him a ſupply of a fifteenth from the lords and knights of ſhires, a tenth from the clergy, and the like ſupply from the citizens and burgeſſes. In conſequence of this parliamentary aid, Edward ſet out on his expedition towards Scotland, and came to Berwick early in November. For ſtrengthening his new acquiſitions and the Engliſh march, he there gave orders that the fortifications of the town and caſtle of Roxburgh ſhould be reſtored. Marching weſtward from thence, and joining his forces to thoſe of Baliol, about the middle of the above-named month, he entered Scotland by Galloway, and penetrated as far as Glaſgow, laying waſte the eſtates of his enemies *. A principal object of Edward's preſent expedition into Scotland, was probably to relieve the lord Beaumont, beſieged in his caſtle of Dundarg, by Sir Andrew Murray and Sir Alexander Moubray; but before Edward could march to his relief, he was obliged to ſurrender his fortreſs, to yield himſelf a priſoner, and to pay a great price for his ranſom †. Edward finding his preſence no longer neceſſary in Scotland, was returning from this expedition towards Berwick, accompanied by his vaſſal king; but the circumſtances of his affairs determined him to continue in the borders till after Chriſtmas ‡, which feſtival he kept in the caſtle of Roxburgh. After the expiration of the holidays, Edward made an expedition into the foreſt of Ettrick, but without effect; for the enemies he had expected there to meet with had retired. He remained at Roxburgh, or in its neighbourhood, a conſiderable time; but not long after his return into England, Baliol was obliged to take refuge there by the prevailing arms of John Randolph earl of

Knighton, p. 2565. Walſ. ap. Tyrell, tom. iii. p. 384. Buchan. l. 9. c. 19.

Tyrrell. from a Record, vol. iii. p. 384. A. D. 1335. Walſ. Chron. Lan. ap. Tyrrel, vol. iii. p. 385.

* Walſingham relates, that notwithſtanding the advanced ſeaſon of the year, Edward marched into the remoteſt parts of Scotland, beyond the utmoſt progreſs of the arms of his grandfather. This is altogether improbable.

† Forduo relates, that lord Beaumont obtained a ſafe-conduct for paſſing into England, promiſing upon oath, on his return thither, to labour for re-eſtabliſhment of peace. Ford. tom. ii. l. 13. c. 29.

‡ About this time, Patrick earl of March, the great border chieftain, revolted from Edward and Baliol, and retired to the Highlands to join the friends of Bruce. See Tyrell, ib.

Murray. This was a new leader who came over from king David to the caſtle of Dunbarton, and aſſociated himſelf in the ſtricteſt manner with Robert, the young ſteward of Scotland. Robert had, a ſhort time before, come forth from the fortreſs juſt mentioned, and having been joined by Campbell of Lochow *, and others, had great ſucceſs in the diſtricts of his own inheritance, and the country adjacent. Upon the arrival of Murray, numbers of the nobility and gentry joined him and the ſteward; and to give the appearance of legal authority to their proceedings, elected theſe two noblemen joint guardians of the kingdom. Murray went immediately to the North; and his own dependents, and great numbers beſides of king David's faithful ſubjects, flocking to his ſtandard, he marched againſt the earl of Athol; and chaſing him into the wilderneſs of Lochaber, he reduced him to ſuch ſtraits as obliged him to ſurrender. Athol agreed to take an oath of fealty to king David; and gave ſuch aſſurances of his loyalty for the future, that Murray intruſted him with the lieutenancy of the North. From thence Murray led his forces into the provinces to the ſouth of the Forth, yielded by Baliol to Edward; and being joined by Sir William Douglas, lately ranſomed from his captivity in England, Sir Alexander Ramſay, called the Flower of Knighthood, and other gallant men, ſoon grew ſo formidable as to oblige Baliol again to retire into England †.

David Brus, K. of Scotland.

1335.

Ford. vol. ii. l. 13. c. 33. Buchan. l. 9. c. 19.

In the beginning of April, Edward, at the requeſt of the French king, by his envoys then in England, granted the Scots of David Brus's party a truce from the enſuing Eaſter until Midſummer: and during this interval, an Engliſh parliament met at York, to give aid and advice about the war with Scotland. The earl of Murray and the ſteward of Scotland convoked alſo in April a general council, or parliament, of the friends of king David at Darweſy. The earl of Athol came to that meeting, attended with a numerous retinue of his dependents, and was very formidable. He treated with great indignity the earl of Murray, and Sir William Douglas ‡, who, however, had circumſpection enough to avoid his ſnares. But by his inſinuating arts, he had gained ſuch an aſcendant over the young ſteward, as rendered all the proceedings of that aſſembly ineffectual §.

Rym. iv. 640.

Barnes, p. 94.

Ford. vol. ii. l. 13. c. 34.

Edward,

* The anceſtor of the family of Argyle.

† Edward Baliol, with his forces, had retreated into England before the 6th of March. This appears from a licenſe of the above date, granted by the king of England to Edward Baliol, to have a conſtable and marſhal in his army for the puniſhment of offences. Baliol and his army being then in England. Rymer, vol. iv. p. 636, 637.

See a different account of theſe tranſactions in Tyrell, vol. iii. p. 385, from Chr. Lanercoſt.

‡ Againſt the latter of theſe, Fordun relates, he had a particular ſpight; and had protracted his captivity in England, by doing all in his power to prevent his being ranſomed. Ford. l. 9. c. 33.

§ In the time of the truce above-mentioned, the caſtle of Lochlevin was beſieged by Sir John Sterling, one of Baliol's principal officers. After he had continued before it ſome time, and found his endeavours to make himſelf maſter of it ineffectual, he had recourſe to the following ſtratagem. As the caſtle ſtood upon a lake, from whence iſſues the river Leven, by erecting a great bank, he dammed up the river; expecting the fortreſs would ſoon be overflowed by the ſwelling of the water in the lake. The contrivance was excellent, and probably would have ſucceeded; but the greateſt part of the beſiegers, from a fit of devotion, repairing to an anniverſary ſolemnity of St. Margaret at Dunfermling, the garriſon ſeizing the opportunity of their abſence, ſallied forth, and after having

Edward III. K. of England. 1335.

Edward, animated by a ſtrong reſentment againſt the Scots, for almoſt wholly fruſtrating his wonderful paſt ſucceſſes, and determined to complete the reduction of that kingdom, employed the interval of truce in making great preparations for a new expedition into Scotland. Not content with the forces of England, and thoſe of Baliol's party in Scotland, he called for the aſſiſtance of the prelates and chiefs of Ireland, and ſummoned the latter to attend him in perſon in this war. He received ſome auxiliaries from Flanders, under the command of the earls of Juliers and Namur; the former of whom had married the ſiſter of queen Philippa. Henry count of Montbellegarde came alſo to his aid from Burgundy.

Rym. vol. iv. 642. 652. 654. 607.

Holing. p. 898. Knighton, 2565.

About Midſummer, the truce being near expired, Edward came with his army to Newcaſtle, where he was attended by Baliol; and there it was agreed, that while the Engliſh monarch invaded Scotland by Carliſle, the Scottiſh prince ſhould enter it on the other ſide by Berwick. And on the 6th of July, five days before the land armies moved from the places above-mentioned, the Engliſh fleet entered the Firth of Forth. The arrival of the fleet before the army perhaps aroſe from the prudent precaution of ſecuring the neceſſary proviſions for the latter; the failure of which had often proved fatal to the ſucceſs of the like expeditions. On the 11th, Baliol marched from Berwick with an army, in which the chief perſons were the Engliſh barons, on whom he had beſtowed lands in Scotland. He had alſo under his command a body of Welchmen, given him by Edward, who ſerved with great bravery, but were accuſed of many acts of barbarity. The king of England began his march on the ſame day from Carliſle. In his progreſs towards Perth, which was appointed the chief place of rendezvous of the two armies *, ſucceſsful prædatory excurſions were made into all the adjacent country, in which lord Montagu diſtinguiſhed himſelf by his activity and ſpirit; and, as his reward, received from his maſter new grants of lands and honours. From Perth both princes marched northwards, with their reſpective armies; Baliol into the country of the earl of Athol, where he beſieged, and by taking the advantage of an accidental fire, reduced Cambremouth, a ſtrong fortreſs belonging to that chieftain. The king of England made a progreſs into the diſtant parts of the North, ſubduing every place he approached, and was but little hurt by the ſudden attacks of lurking enemies; againſt whom experience had taught him to maintain a continual guard. This caution, however, was not equally obſerved every where; for a body of five hundred archers, and other foot-men, ſeeing no appearance of an enemy, and marching ſecurely homewards, were attacked, and entirely cut off, by the guardian Murray, the earl of March, and Sir William Douglas. The like temerity proved fatal to the earl of Namur, who arriving at Berwick, probably by ſea, about three weeks after the Scottiſh king had ſet out from thence, did not heſitate, with his gallant, though

Ford vol. ii. l. 13. c. 24.

Holing. Eng. Chron. p. 898.

Ford.

Knighton, 2566.

Leland's Coll. i. 555. Holing. Fordun.

defeated the party left to guard the works, pierced the bank, and gave vent to the river, which inſtantly ruſhed forth with ſuch rapidity as to overflow the camp of their enemies, to baffle their ſcheme, and oblige them to raiſe the ſiege with precipitation. Ford. l. 13. c. 30. Buch. l. 9. c. 18.

* Leland ſays, The two hoſts met on the Clyde. Leland, i. 555.

David Brue, K. of Scotland. 1335.

ſmall company, wherein were ſix or ſeven knights, and one hundred men at arms, to enter Scotland, apprehending no difficulty in making his way to Perth to join the two kings. But when he had led his forces to the neighbourhood of Edinburgh, he was from an ambuſh ſuddenly and moſt fiercely attacked by the earls of Murray and March. The reſiſtance of the brave foreigners was not leſs vigorous than the attack of their enemies, and the former were like to prevail, when Sir William Douglas, arriving opportunely with a brave band from Pentland Hills, turned the ſcale of battle on the ſide of his countrymen. The foreigners, after great ſlaughter on both ſides, made a noble retreat, towards the rock on which the caſtle of Edinburgh had ſtood, that fortreſs being then in ruins. There they killed their horſes, and made a mound of them for their defence; but being beſet by their enemies, and in want of all neceſſaries, they ſurrendered priſoners of war. The earl of Murray gladly embraced the opportunity of exerciſing his generoſity to the valiant ſtrangers; and, by his kind treatment of the count of Namur, who was the king of France's kinſman, of making a grateful return to that monarch for his kindneſs and liberality to his maſter king David, as well as for the regard ſhewn to himſelf when lately in France. With the conſent of his aſſociates in this ſucceſsful action, he ſet the count of Namur and his followers at liberty, without exacting any ranſom; and required no other conditions of them, but to return home, and not again to bear arms againſt king David *. His politeneſs was ſo great, that he and Sir William Douglas, to ſecure them from all danger, eſcorted them with a force, which they eſteemed ſufficient, over the Engliſh border. The generoſity of Murray, on this occaſion, coſt him very dear. As he and his ſmall party were returning from their eſcorte towards ſome of their retreats, they were met by a ſtrong body of the enemy; who from the caſtles on the borders † had been ravaging the lands of ſome of king David's faithful friends. A fierce conflict immediately enſued, wherein the earl of Murray was taken priſoner by William de Preſſen. Sir William Douglas had the good-fortune to eſcape a ſecond captivity in England, but his brother James was ſlain. The perſon of the earl of Murray was accounted too valuable a prize to be intruſted to the keeping of a man ſo inconſiderable as William de Preſſen. Edward, having aſſured Preſſen of a proper compenſation, took the earl into his own cuſtody; and Murray, after being detained for ſome time in the ſtrong caſtle of Bamburgh, was conveyed ſucceſſively to the caſtles of Nottingham, Windſor, and other fortreſſes in the interior parts of England; his place of confinement being often changed, to render plots for his eſcape more difficult. The miſchievous conſequences of releaſing Sir Andrew Murray, and Sir William Douglas, from their captivity in England, probably rendered Edward more unfavourable to all conditions that were offered to him for the ranſom of the earl of Murray, and made his captivity of a very long duration. Rymer.

* The Engliſhmen that were in the company of the earl of Namur, were detained priſoners, and obliged to pay their ranſoms. Leland's Coll.

† Holingſhed ſays, from the caſtle of Roxburgh.

About

Edward III. K. of England.

1335. Holling Hift. Scot. p. 899. Walf. Rym. vol. iv. p. 677.

About Lammas, the king of England's brother, John, ſirnamed of Eltham, earl of Cornwall, with forces from Yorkſhire and Northumberland, and Sir Anthony Lucy, who had, as juſticiary, the chief government of the king's territories in Scotland, with the forces of Cumberland and Weſtmoreland, entered Scotland over the weſtern march; and ravaging in their progreſs all the parts of the weſtern counties, that belonged to the friends of king David, advanced through Lennox, Menteith, and Strathern, to Perth, where they found the king returned from his victorious progreſs through the northern parts of Scotland. Thither, about the ſame time, came five delegates, two of whom were the Moubrais, Sir Alexander and Geffrey, to offer the ſubmiſſion of David de Strathbolgi, the earl of Athol, and of the ſteward of Scotland, over whom Athol appears, by this tranſaction, to have maintained the aſcendant mentioned above; this aſcendant it was the eaſier for him to preſerve, as the ſteward was at that time ſick. The negociation of the delegates above-named, was ſucceſsful. The kings of England and Scotland granted, by a convention made at Perth the 18th of Auguſt, That Athol, with all Scotchmen high and low, who were willing to come to the king of England's peace, ſhould have ſafety of life and limb, and of their inheritances, offices, and poſſeſſions of all kinds in Scotland, as held on the day when Edward Baliol performed his homage at Newcaſtle; ſuch exceptions only being made as were agreed to by common conſent; and that all offences committed by them in England ſhould be pardoned. Thoſe who held lands in England, were alſo in the ſame manner to retain them. Some particular ſtipulations were made with regard to the Engliſh poſſeſſions of the earl of Athol, who was the chief perſon concerned in this tranſaction. That he and his accomplices, however, while intent on ſecuring their private claims and intereſts, might not appear to forget the general concerns of their country, one of the articles of this convention confirmed the ancient franchiſes of the Scottiſh church, with the laws of towns, burghs, and counties, as they were uſed in the time of Alexander III. The ſame article declares, That the offices of Scotland ſhould be adminiſtered by men of the ſame nation; but a clauſe annexed ſeems to nullify this article; by declaring, that the king, by his prerogative, might advance to ſuch offices men of any country.

Knighton, 2566. Murimuth. Stowe.

The great object of this convention ſeems to have been the ſafety of the earl of Athol; who by his own profeſſions, and the interceſſions of his great friends at the Engliſh court, had the good-fortune to perſuade the king, that his acceſſion to the party of David Brus, and all that he had done in conſequence of it, was from compulſion and the fear of death; but that he had always been determined, as ſoon as that danger ſhould be removed, to exert himſelf for the king's honour and intereſt: on conſideration of which, the king, by a particular deed, poſterior to the above convention, ordered full reſtitution to be made to the earl of all his lands and goods in England; which, upon account of the earl's deſerting to David Brus, had been forfeited and ſeized into the king's hands *.

Rym. vol. iv. p. 664.

* Theſe orders are given to the ſheriffs of Lincolnſhire, Kent, Norfolk, Northumberland, and to the bailiff of the liberty of Werk in Tyndale.

It

David Brus, K. of Scotland. 1335.

It doth not appear, that any number of the friends of David took the benefit of this convention. On the contrary, maintaining ſuch an union as their abject and diſtreſſed circumſtances allowed, and encouraged by the countenance and promiſes of the French king, who alſo ſent them ſome ſmall aids; they agreed again to obey Sir Andrew Murray of Bothwell, as their guardian, in the room of his couſin the earl of Murray, now a captive in England, and defended themſelves the beſt way they could in their mountains, woods, and moraſſes, until the return of king Edward with part of his forces into England encouraged them to new exploits. Ford.

That the friends of king David, with the connivance and ſecret aid of the French monarch, had been about this time collecting veſſels on the coaſt of France, for conveying aids of men and arms into Scotland, is evident from various orders of Edward, requiring a ſufficient maritime force to be provided, both in England and Acquitaine, for repelling any inſults or attempts that his enemies might make either on the coaſts of Scotland or England. The correſpondence, however, betwixt France and Scotland, and the aid ſent from the former to the latter, muſt have been very difficult and unfrequent, when it is conſidered, that Edward had a powerful fleet on the Frith of Forth, and on the eaſtern coaſts of Scotland, by which Dundee and other places were burnt *; and alſo a large ſquadron on the weſtern coaſts of that kingdom from Ireland, under the command of lord D'Arcy; with the forces on board of which, that nobleman ravaged and plundered the iſles of Arran and Bute. But to compenſate the Scots in ſome meaſure for the failure of the expected aſſiſtance, the king of France, and the Pope acting in concert with him, ſent ambaſſadors and nuncios to ſolicit and treat with the king of England in favour of king David, and thoſe who adhered to him †. Rym. vol. iv. p. 651. 656. 658, 659. Rym. ib. 660.

It being evident that the friends of Baliol, after all their ſucceſſes, could have no quiet or ſecurity in Scotland, nor maintain any authority there, without the defence of walls and ditches, Edward cauſed the fortifications of Perth to be repaired and ſtrengthened: he alſo reſtored from their ruins the caſtles of Edinburgh and Sterling. In September, he moved from Perth to Edinburgh, and in the following month to Berwick. Whilſt there, he appointed William de Preſſen the reward promiſed him for taking the earl of Murray, guardian of Scotland ‡. He alſo gave a new proof of his extraordinary favour and Holing. Hiſt. Scot. 236. Rym. ib. 670.

* This fleet robbed the rich monaſtery of Inchcolm of every thing valuable. They carried off ſeveral images, among which was one of St. Columba, held in great veneration; but meeting ſoon afterwards with a ſtorm, which deſtroyed many of their ſhips, they imputed it to the wrath of the ſaint above-mentioned, and preſented the church and monaſtery with a valuable offering of gold and ſilver. Fordun. Buchan.

† When Edward was at Edinburgh, in his way towards the borders, he granted a ſafe-conduct to two ambaſſadors from the French king; and when he came to Berwick, he made the like grant to two apoſtolic nuncios.

‡ By a deed, dated at Berwick 10th October, Edward grants to William Preſſen and his heirs, the village of Eddringtown, the fiſhing-water of Eddermouth, the mills of Berwick and Eddrington, with the griſts belonging to them, the whole eſtimated at 107 l. 3 s. 7 d. *per ann.* in time of peace, for the yearly rent of one hundred and ten merks. The ſurplus of the value of the premiſes above the ſaid rent, being fifty merks ten ſhillings and three-pence yearly, the king gives to the ſaid

Edward III. K. of England.

1335. Rym. ib. 671, 672.

and bounty to William de Montagu, by conferring on him in fee-farm, the foreſts of Selkirk, and Ettrick, with the town and ſheriffdom of Selkirk, and all kinds of profits, or rights, and juriſdictions thereto appertaining; for all which he was to pay thirty pounds to the king's exchequer at Berwick. A like grant was made to him, at the ſame time, of the town and county of Peebles, with all its appurtenances. The king, by theſe grants, added the tie of intereſt to thoſe of honour and gratitude, to engage Montagu to exert himſelf in defending a very important part of his new acquired territory in Scotland; for the ſecure poſſeſſion of which, the grant of Edward Baliol and his parliament availed king Edward ſo little.

Rym. ib. 674, 675.

Holing. Hiſt. Scot. 236. Ford. l. 13. c. 36. Boece. Buchan.

The king ſet out from Berwick in the beginning of November. At Alnwick, on the eighth, he agreed to a truce with Sir Andrew Murray and his adherents, for eighteen days; which was afterwards prorogued, at Newcaſtle, firſt for a week, and then for a fortnight. During theſe ſhort truces, the renewal of which was perhaps not made known in due time to king David's friends, an expedition was made into the north by Sir Andrew Murray the guardian, the earl of March, and Sir William Douglas, with eight hundred choſen men under their command, from Lothian and the Mers, for the relief of the caſtle of Kildrummy. The lady of the guardian was in this caſtle, and it was beſieged by David de Strathbolgi earl of Athol, who is ſaid to have been intruſted with the chief command in Scotland, upon the king of England's retiring to the Engliſh march with the king of Scotland in his company. Athol, to ſhew his gratitude and fidelity to the two kings, and perhaps to gratify private reſentments, exerciſed great cruelties towards the friends of king David; and putting himſelf at the head of three thouſand men, endeavoured to reduce the ſtrong fortreſs above mentioned. But on hearing the approach of his enemies, he abandoned the ſiege, and met them in the neighbouring foreſt of Kilblain, and by brave fighting and ſuperior numbers, would have prevailed againſt them, had not three hundred men, ſallying forth from Kildrummy opportunely, joined their friends, and intimidated their enemies; the conſequence of which was the rout of Athol's army, with the ſlaughter of himſelf and ſome of his chief adherents *.

Upon

ſaid William Preſſen for his good ſervice, until he puts him in poſſeſſion of land in England to the amount of twenty pounds a year. But as ſoon as William Preſſen receives land of that amount, he is required to pay the whole yearly eſtimation, *viz.* 107 *l.* 3 *s.* 7 *d.* for the above-named village, fiſhing-water, and mills.

* Murimuth repreſents Athol, while accompanied by a few, as ſurpriſed by a multitude of his foes. Mur. p. 88.

This battle happened on the firſt of December, or, according to Fordun, on the day before, during one of the ſhort truces above mentioned. This truce being granted by Edward on the ſixteenth of November at Newcaſtle, the intelligence of it, amidſt the confuſion and deſolation that then prevailed, might not reach the Scottiſh chieftains in ſuch time as to make them chargeable with any breach of it. Perhaps alſo, they did not accept of it, or cauſe it to be proclaimed. Ground is given to ſuſpect an omiſſion of this kind, by an order of king Edward's afterwards, about the prorogation of this truce till Chriſtmas; viz. That Anthony de Lucy his juſticiary of Laudonia ſhould proclaim it, upon being firſt advertiſed that the Scots were willing to keep it, and that they had proclaimed it in proper places. Fordun ſays, ſeemingly with a view of clearing the guardian and

David Brus, K. of Scotland.

A. D. 1336. Rym. tom. iv. 676, 677.

Upon the earneſt ſolicitations of the ambaſſadors from the Pope and the French king, Edward granted at Newcaſtle a further prorogation of the truce to the Scottiſh guardian and his adherents until Chriſtmas, and afterwards for a month longer until the twenty-fifth of January; and the importunities of theſe ambaſſadors alſo prevailed with him to give a ſafe-conduct to ſix perſons from Scotland, with a retinue of forty horſemen, to come to Newcaſtle to treat with the ambaſſadors about their own affairs, and thoſe of their countrymen; and even that four of theſe ſhould be, the guardian Murray, William de Keith, Robert de Lowedre *, and William Douglas, than whom none could be more obnoxious to Edward's reſentment. It is probable, that the perſons mentioned were too much employed, or of too great importance at home, to go into England at this time; but five others, at the head of whom were, Alexander biſhop of Aberdeen, and Frere John abbot of Cowpar, came with Edward's leave to the Pope's nuncios at Berwick in the month of January. Thither Edward repaired the latter end of the ſame month, probably with a view to negociate with the Scottiſh delegates himſelf †, to diſcover the deſigns of their chieftains, and to learn what was tranſacting in their country. While at Berwick, on the earneſt and repeated ſolicitations of the French and papal ambaſſadors, he continued the truce until fifteen days after Eaſter. To this longer prorogation Edward ſeems alſo to have been induced to conſent, for the ſake of preſerving ſome fortreſſes in Scotland, held by his own forces or thoſe of Baliol, to which the guardian and thoſe of his party had laid ſiege ‡, and to relieve which it was difficult to carry forces in winter. For it was a condition in the truce laſt named, that the Scots ſhould abandon without delay the ſieges of Cowpar in Fife and Lochindores, and that the keepers of theſe and other caſtles and fortreſſes ſhould have liberty of coming out of the caſtles, purchaſing neceſſaries, and tranſacting what buſineſs they pleaſed, without moleſtation: and that thoſe who were not on the ſide of David Brus before the thirtieth of December, ſhould not be compelled by art or violence to join his party; nor be diſquieted on account of their adherence to Baliol. In the time of this truce of longer duration, and probably, at the inſtance of the above mentioned envoys from France and Rome, better obſerved than the preceding

Rym. ib. 684.

Ib. 685, 686.

Ib. 686.

and his aſſociates from the charge of truce breaking, that Andrew Murray aſked and obtained leave from lord William de Montagu, who was then the king of England's chief counſellor, for himſelf with his aſſociates March and Douglas, to ſuccour Murray's caſtle wherein his wife was beſieged. He alſo ſays, that the three chieftains above mentioned, having *a certain reſpite or ſufferance* from the king of England and his nobles, lurked ſometimes in one place, ſometimes in another, expecting better fortune. Fordun, l. 13. c. 36.

Ad. Murimuth ſays, that many truces were granted to the Scots, who acted cunningly, but nothing was finally ſettled; becauſe, while theſe truces were depending, the Scots ſlew the earl of Athol. It is remarkable, that no particular mention is made in any of the king of England's ſubſequent orders with regard to truces, of a former truce being violated by the attack on Athol.

* Lowedre, as was formerly related, had been appointed Edward's juſticiary of Laudonia, and had ſome time before this revolted from him.

† It appears from Rymer, that theſe delegates carried into Scotland letters from the king and the Pope's nuncios.

‡ Probably, not regarding the ſhort truces which ſeem to have been granted with much reluctance.

Edward III. K. of England. 1336.

ſhort ones, Sir Andrew Murray convoked an aſſembly of the Scottiſh nobility at Dunfermling, and was there unanimouſly approved as guardian of Scotland. After which, he croſſed the mountains to confirm the northern parts in their duty to king David. Before Edward left Berwick, he granted letters of protection for ſix envoys with a retinue of forty horſemen, coming from David de Brus out of France, to treat with the nuncios and ambaſſadors ſo often mentioned. He alſo gave orders on his exchequer there, for the payment of five merks a day to Baliol his vaſſal king, *to aſſiſt him in his daily expences* *. Several orders of a like nature given in the courſe of this winter, prove the indigent and dependent ſituation of Baliol, notwithſtanding the proſperous and ſplendid campaign of the preceding ſummer, made by Edward for his defence and ſupport †. Baliol was univerſally hated by the Scots, as the tool of Edward's ambition and avarice, in yielding up to that monarch the independency of their crown, and transferring to him the fineſt provinces of their kingdom. It alſo appears, that he was contemned and maltreated by the ſervants of the Engliſh king, who had ſeized his patrimonial eſtates that lay in the territories ceded by him to that monarch, in the poſſeſſion of which, upon his ſupplication to Edward, he was about this time ordered to be reinſtated ‡.

Ford. l. 13. c. 36.

Rym. tom. iv. 685.

Ib. 681.

Edward returned to the ſouth in February, and held a parliament in London in the time of Lent, which William Bullock, entitled the king's beloved clerk, and other meſſengers from Scotland, attended by his command. The deſign of their attendance was probably to lay before the parliament the ſtate of affairs in Scotland. About the time of this meeting of parliament, a new prorogation of the truce with the Scots was granted on the ſame interceſſion as before, until Sunday next preceding Aſcenſion, May 5th, and on the ſame conditions with reſpect to the caſtles and ſieges above mentioned, as in the former §. On account of the infinite expence of the Scottiſh war, which had greatly exhauſted his treaſury, Edward aſked and obtained a ſupply from his clergy. Thoſe of the province of Canterbury granted him a tenth of their eccleſiaſtical goods. The king having received certain intelligence of

Rym. tom. iv. 690, 691, 694.

March 18.

Rym. ib. 689.

* *In ſubventionem expenſarum.*

† The king of England had lent Baliol 300 *l.* for anſwering preſent demands, of which 100 *l.* was paid at Berwick. (Rym. tom. iv. p. 674.) Robert Tonge, the receiver of the king's victuals there, was ordered to deliver as a preſent to Baliol ten caſks of flower, and ſix of wine. (Ib. 683.) Probably to help him to keep his Chriſtmas.

‡ Edward ordered Thomas de Burgh, his chamberlain of Berwick, to remove his (Edward's) hand from theſe eſtates, and to ſuffer Baliol himſelf to collect the rents and profits of them. Rymer, tom. iv. p. 681. Theſe eſtates of the inheritance of Baliol are mentioned as lying in Lowerdale, and elſewhere, in the king's counties of Berwick, Roxburgh, Edinburgh, and Dumfries.

§ When this prorogation of the truce was about to expire, the king gave orders to Henry earl of Lancaſter, who, as we are juſt about to relate, was ſent with the chief command into Scotland, and to three of the principal men who accompanied him, the earl of Warwick, the earl of Buchan, (the lord Henry Beaumont ſo entitled,) and William de Bohun, to *treat* with Sir Andrew Murray, or other Scotchmen, who were not in the faith of the king, about a truce to continue until Midſummer, and to grant and confirm ſuch a truce in the king's name. Rym. tom. iv. p. 699.

Whether a truce was concluded in conſequence of theſe powers, no where appears. It is not improbable that ſuch a treaty took place, as Edward did not come in perſon into Scotland till after Midſummer.

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the preparations of the Scots to recommence hoſtilities with the aid of foreigners, but not chuſing to go in perſon to Scotland until the expiration of the truce, ſent a great body of forces thither for the ſupport of his vaſſal and defence of his own territory. He appointed his couſin, Henry earl of Lancaſter, leader of theſe forces, conſiſting of ſome of his nobles and men at arms, together with a great number of hobelars, archers, and footmen. The commiſſion given to Lancaſter conferred on him all the powers of a captain-general: and in particular, Anthony Lucy, juſticiary of Laudonia, and of Edward's other lands in Scotland, who had received the military command, not only over that country, but alſo in Northumberland; and William de Bohun, who had the like command in Cumberland; were required to render him their obedience and attendance. He had alſo powers to receive to the king's faith and peace, ſuch of the rebellious Scots, and their adherents, as were willing, and as he judged fit, to partake of that privilege. Sums of money were ordered to be paid out of the treaſury, to Lancaſter, to the king of Scotland, and ſundry nobles and barons who were to go on this expedition, as pay to themſelves, and the men at arms in the company of each ‡.

David Brus, K. of Scotland. 1336.

Rym. ib. 695, 696.

Ib. 694.

Immediately after the expiration of the truce, the Scots, with ſome French auxiliaries, and probably by the encouragement of an envoy from France, who came over to them about this time, returned to the feats of war. They took the caſtles of Bothwell and St. Andrews, and afterwards laid ſiege to that of Stirling. The principal men in theſe exploits were, the earl of March, Sir William Douglas, and Sir William Keith. The guardian was, probably, in his own country, in the north, employed in the ſiege of Lochindores. And although the king of England had appointed a great council of his prelates and nobles to meet at Northampton, on the day after Midſummer, to adviſe about his affairs with the French and Scots, he thought his preſence ſo neceſſary in Scotland, that leaving his brother the earl of Cornwall, with his chancellor and treaſurer, to hold that council, he haſtened to the north, and with but a few men at arms in his company, came to the head-quarters of his army at Perth, in the end of June, or beginning of July.

Rym. vol. iv. p. 699.

Walſing. ap. Tyrell, vol. iii. p. 390.

Ib. 701.

The vigour that the preſence of Edward gave to his army and all its operations, ſoon made the Scots abandon the ſiege of Stirling, and their other enterpriſes. The counteſs of Athol, being cloſely beſieged by the guardian in the caſtle of Lochindores, implored Edward's aid; in compliance with her requeſt he marched with great expedition, and having raiſed the ſiege and reinforced that fortreſs, he brought off the counteſs * and her female attendants.

Walſing. ap. Tyrell, vol. iii. p. 390.

Ford. vol. ii. l. 13. c. 37, 38.

Edward,

‡ The whole ſum ordered to be paid out of the exchequer (24th March) to ſundries for ſervice of themſelves and followers in the war againſt Scotland, was 10861l. 13s. 4d. The firſt in this liſt is Edward Baliol, who is ordered 100l. There is alſo an order of the ſame date to pay to the above-named king 55l. in remainder of 200l. formerly granted him to diſcharge his debts in the northern parts: 400 merks is ordered to be paid to the earl of Lancaſter; 200 to the earl of Warwick; 100l. to Gilbert Umfreville earl of Angus; 200 merks to Henry Beaumont earl of Buchan; 200 merks to Henry de Percy, and Ralph de Neville: ſums are alſo ordered to ſeveral others.

* Lady Catherine Beaumont, daughter, as is above related, to lord Henry Beaumont earl of Buchan. Her father was one of the principal officers in this expedition. Fordun ſays, he com-

Edward III. K. of England. 1336.

Edward, in his return, burnt the guardian's country of Murray; but ſpared the convent at Elgin, and its beautiful church: he laid the city of Aberdeen in aſhes; and fortified and garriſoned the caſtles of Dunnoter, Kynef, and Laurenſton. When he came back to Perth, he made great additions to its fortifications, the expence of which he obliged ſix of the neighbouring monaſteries to defray †. He alſo either rebuilt or repaired and ſtrengthened the caſtles of St. Andrews, Leuchars, Stirling, Edinburgh, and Roxburgh, appointing certain of his captains to direct the execution of theſe works ‡.

Rym. vol. iv. p. 703, 704, 705, 706.

By the advice of the council held at Northampton, Edward had ſent to the king of France a ſolemn embaſſy, whereof the chief perſons were, the biſhops of Durham and Wincheſter, to treat about a croiſade; which, under the direction of Pope Benedict, had been long in agitation; and to negociate alſo in regard to all ſubjects of ſtrife between him and his brother monarch. The ſame ambaſſadors had likewiſe powers to enter into conferences with David Brus, for a truce or a definitive treaty. The king of France, more openly than ever before, expreſſed his reſolutions to theſe ambaſſadors to favour the Scots, and to aid them to the utmoſt of his power. Edward receiving information of this, and being alſo aſſured that the king of France was collecting ſhips and gallies in different parts of the continent, and levying men at arms, with the view as well of invading England, as of ſending ſuccours to the Scots, convoked a general council of his prelates and great men, to meet at Nottingham, to give him their advice in the preſent critical conjuncture. He alſo ſent orders to his ſubjects in Aquitaine, to ſend their ſhips of war againſt the naval force which Philip was preparing in ſeveral parts of the coaſt of Normandy to aſſiſt Scotland.

Rym. ib. 708. Tyrell, vol. iii. p. 392.

Edward, leaving Scotland in September, was preſent in his parliament at Nottingham in the end of that month; where, for ſupport of the war in Scotland and Gaſcony, a twentieth was granted from landed men, a fifteenth from burghs, and a ſixth from the clergy. A tax was alſo impoſed on exported wool of forty ſhillings a ſack from England, and 3 l. from foreign merchants. In the beginning of November the king returned to Scotland; where the guardian, with his uſual eagerneſs of courage and reſentment, ſeizing the opportunity of Edward's abſence, had retaken and demoliſhed the three fortreſſes of Dunnoter, Kynef, and Laurenſton, which Edward in the ſummer had erected in the north. The guardian continued all the winter, from a foreſt in the neighbourhood of Angus, to diſtreſs the Engliſh by incurſions and ſudden attacks. The peace and ſubjection of the country on the weſtern ſide, was probably in great meaſure ſecured by a convention made at Perth, between Edward Baliol and John of the Iſles, and

Rym. ib. 716. Ford. vol. ii. l. 13. c. 39.

Sept. 12. Rym. ib. 721.

mitted many acts of cruelty during the courſe of it; that to revenge the death of his ſon-in-law the earl of Athol, he put to death by torture all he could meet with who were in the battle of Kilblain, in which Athol was killed.

† Dunfermling, St. Andrews, Lindores, Balmerino, Arbroath, and Cowpar, in Angus.

‡ The lord Henry Beaumont, and Henry Ferrers, had the charge of rebuilding the fortreſſes of St. Andrews and Leuchars, the lord Montagu of Stirling, of which Thomas Rokeſby was made keeper; the caſtle of Edinburgh was the charge of John de Sterling, and Roxburgh of William de Felton. Fordun.

confirmed

confirmed by the king of England during his ſhort ſtay in his own kingdom. But ſtill the ſtate of Scotland was ſo unquiet and unſafe, that Edward found it neceſſary to remain there until after the middle of December. David Brus, K. of Scotland. 1336.

Edward was informed, while in Scotland, of violent and open hoſtilities committed by the ſhips that had been collected and fitted out by the friends of king David, thro' the connivance and aid of the king of France. Theſe had not only taken ſome Engliſh ſhips in the open ſea, but had ſeized ſome veſſels anchoring on the coaſts of the Iſle of Wight; and had alſo burnt and plundered the Iſles of Guernſey and Jerſey. In order to concert proper meaſures for defending his kingdom againſt ſuch outrages, the king, while at Bothwell, ordained a convention of his great men to meet at London, on the firſt day of the following year. And for the ſafety of trading veſſels when his enemies were ſo powerful at ſea, he laid an embargo on all the merchant-ſhips in England. But this prohibition extended not to ſuch ſhips as carried neceſſary proviſions or warlike ſtores for the uſe of the king's army in Scotland, which they were allowed to land at Berwick, and at Perth, Stirling, and other parts of that kingdom. Rym. ib. 721, 722, 723.

The lord Montagu and earl of Arundel, whom the king left in Scotland with the chief command of his forces, did not abandon to their enemies all the glory and ſucceſs of military enterpriſes in winter. The caſtle of Dunbar was a ſore nuiſance in the Scottiſh territory that belonged to the Engliſh king. The excurſions of the garriſon could not but much annoy the adjacent fruitful coaſt, and render unſafe the public road betwixt Berwick and Edinburgh. Its port alſo, under the ſhelter of the caſtle, afforded a convenient and ſafe reception for the aids and ſupplies from France, and other places of the continent. Hence the reduction of it became of greater moment, on the almoſt certain proſpect of an approaching French war. The lord Montagu, accompanied with ſeveral Engliſh grandees, began the ſiege, or blockade, in January. The place was very ſtrong; but the lord of it, chuſing the field as a nobler ſcene for the feats of war, intruſted his caſtle to the keeping of his lady. She was a daughter of the celebrated Thomas Randolph earl of Murray, and ſiſter to the earl who had fallen at Duplin, and of his ſucceſſor the preſent earl, who was at this time a priſoner in England *. Theſe circumſtances ſtrongly inſpired reſentment againſt the Engliſh; which were in this heroine accompanied with ſuch vigilance and proweſs, as no art could ſurpriſe, or danger diſmay; ſometimes from the battlements of her caſtle ſhe addreſſed the aſſailants with biting taunts and ſcoffs; and to ſhew her contempt of the machines they employed to beat down the walls, when the ſtones or leaden balls thrown from them made the towers to ſhake, ſhe ſent one of her maids, ſplendidly dreſt, to wipe off with a clean white handkerchief the marks of the ſtroke. She alſo expreſſed the like contempt of their machine called a Sow, as was done nineteen years before by the defenders of Berwick, and was equally ſucceſsful in accompliſhing her menaces of deſtroying it. A. D. 1337. Ford. l. 13. c. 40.

* She was called, in the homely phraſe of the times, Black Agnes of Dunbar.

While

Edward III. K. of England.

1337.

While the counteſs of March thus gallantly defended earl Patrick's† ſtrong houſe, he himſelf was employed along with the guardian, Sir William Douglas, and other loyal nobles of king David, in reducing the fortreſſes on the other ſide of Forth. After defeating a great body of Engliſhmen, in a battle at Panmure, they took and deſtroyed the caſtles of St. Andrews and Leuchars, and the tower of Falkland; but the caſtle of Cowpar, by the great vigour of William Bullock, reſiſted all their efforts. In March they beſieged the caſtle of Bothwell, which they alſo reduced: and it is probable that their ſucceſſes in theſe ſieges were in great part owing to the machines and engineers ſent over to them from France ‡.

Ford. vol. ii. l. 9. c. 39.

Holing. 237.

Ford. vol. ii. l. 9. c. 42.

In the progreſs of the ſiege of Dunbar, the arts of forcible and open aſſault not availing, lord Montagu, who was about this time created earl of Saliſbury, attempted to make his way into the fortreſs, by bribing the porter to open the gate for the entrance of himſelf and his followers, at a time agreed upon. The porter making a diſcovery of the plot to his companions of the garriſon, it became a ſnare for Saliſbury in which he was nearly caught; for, as he was ruſhing in at the open gate, and muſt have been taken priſoner, he was forced back by John de Copland, a faithful ſquire in his train, who, in reſcuing his lord from captivity, was made a priſoner himſelf. The counteſs being at hand, waiting the event, derided the earl on his narrow eſcape. (She cried to him, Adieu Monſenzour Montagu.) But that which could not be effected by force or art, was nearly brought to paſs by extreme ſcarcity of proviſions; for care had been taken to block up the harbour by a ſufficient number of ſhips, among which were two large Genoeſe gallies. Yet the vigilance of theſe veſſels was eluded by the extraordinary courage of Sir Alexander Ramſay, who putting on board a light veſſel a ſupply of proviſions and warlike ſtores, ſailed from the neighbouring iſland of Baſs, and paſſing unobſerved in the dead of night through the line of the enemy's ſhips, entered the harbour in ſafety, and carried a timely relief to the garriſon. On the next day he himſelf, with the companions of his brave exploit, made a ſally upon the beſiegers, equally briſk and unexpected, in which they did no ſmall execution, by killing and wounding ſome, and taking others of their enemies priſoners. And on the following night, Ramſay completed the glory and ſucceſs of his atchievement, by paſſing out from the caſtle in the ſame way and with the ſame ſafety wherewith he had entered it.

Buchan. l. 9. c. 24.

Two bodies of Engliſh troops attempting to advance into Scotland at this time, to the aid of their forces in that kingdom, are related by the Scottiſh writers to have been vanquiſhed by their countrymen. The leader of one of theſe bands was Richard Montfort, who was encountered by Laurence Preſton and Robert Gordon, at the head of a ſmaller number. The firſt of theſe valiant leaders fell in the conflict, but his men prevailed; and taking many of the Engliſh priſoners, put them all to death, in reſentment of the fall of

Fordun. Boece.

† Often ſo called in records and hiſtories of theſe times.

‡ Fordun ſays, that the governor prevailed in the ſiege of the fortreſſes mentioned, by the dread and force of a certain engine called *Bouſtour*. Ford.

their

their captain. The lord William Keith of Galſton attacked the lord Richard Talbot, at the head of the other numerous body of Engliſhmen. Theſe, with their leader, were driven to ſeek ſhelter in an iſland in a lake; but were all made priſoners, and Talbot was obliged to pay 2000 l. for his ranſom. Theſe unfortunate expeditions were probably made under the direction of the earl of Warwick, who in the ſpring was appointed to command the forces going into Scotland.

David Brus, K. of Scotland. 1337. Rym. vol. iv. p. 741.

Edward was, in the middle of ſummer, in the north of England for ſome weeks: of theſe he ſpent a few days at Berwick; and it was probably by his orders, while there, that the earl of Saliſbury raiſed the ſiege of Dunbar. Hoſtilities had been committed in Aquitaine, which brought very near to a criſis the diſputes between England and France. King Edward, while at Berwick, gave orders for an embarkation of forces at Portſmouth for defending his French dominions: and this ſituation of affairs made him greatly need the preſence and advice of ſo able and faithful a counſellor as the earl of Saliſbury. It was perhaps owing to the neceſſity of the northern barons remaining at home to defend their country and poſſeſſions, that the king did, twice in the courſe of this year, appoint aſſemblies of them to be held at York, and once at Newcaſtle, to receive information from certain great men, he nominated his commiſſioners for this effect, of the reſolutions of his parliament or council, and his own intentions with reſpect to the preſent ſtate of his kingdom. The ſame commiſſioners were alſo charged to treat and agree with the chief men of the country, men at arms, and others, about marching in his ſervice towards Scotland and the borders, about their continuance in that ſervice, and the wages to be paid them while engaged in it; as alſo concerning the ſecure keeping of the king's towns and places in thoſe parts, and erecting fortifications for their ſecurity.

Ib. 741. 762. 772. 817.

The failure of the Engliſh in the ſiege of Dunbar encouraged Sir Andrew Murray, the guardian, to beſiege the caſtle of Stirling; but he was not able to take it, and in the courſe of the ſiege Sir William Keith loſt his life *. An Engliſh writer of good credit relates, That the king of England came in perſon into Scotland to raiſe this ſiege; and having ſupplied the garriſon with proviſions and freſh ſoldiers, carried the wounded, ſick, and weak with him into England †. The guardian afterwards beſieged the caſtle of Edinburgh; but the power of the Engliſh, and treachery of ſome Scots, obliged him to quit his deſign. During this ſiege Laudonia ſubmitted to him, and Laurence Preſton was made the ſheriff of it; who making ſome brave efforts to maintain his power againſt the Engliſh, the country was laid waſte in the ſtrife.

Ford. l. 13. c. 41. Heming. vol. ii. p. 279, 280. Ford. ib.

The ſucceſſes of the Scots during this campaign, were conſiderably balanced by the loſs of two ſhips, which had on board the biſhop of Glaſgow, and ſeveral young men of noble Scottiſh families, together with auxiliary Frenchmen, and a conſiderable ſum of money ſent over by the king of France to his

Hem. ii. 280.

* He was ſlain, ſays Fordun, by his own lance, no leſs unhappily than ſurpriſingly.

† According to the ſame author, the Scots, having thrice entered England, ſpoiled and burned many places in it. Theſe inroads were made over the weſtern march. See more particulars in Leland's Coll. ii. 556.

Edward III. K. of England. 1337.

faithful allies. Theſe ſhips were taken by an Engliſh fleet, which had been ſent over to Flanders, for conveying home the Engliſh ambaſſadors, who were employed this ſummer in negociating alliances with the princes of Germany and the Low Countries, to aſſiſt Edward in his intended war with France. The Scots made a brave defence, and many were ſlain in the engagement. The biſhop of Glaſgow was wounded, and died ſoon after he was brought on the Engliſh ſhore.

A. D. 1338.

In the ſummer of the following year, Edward, who had now publickly avowed his claim to the French monarchy, and made formidable preparations to ſupport it, paſſed over to Flanders with a great fleet and army, and returned not to England until the beginning of 1340. Much time and money were conſumed in ſettling matters with his numerous allies; and when he had at laſt taken the field with a great army, and entered his enemy's country, the French monarch prudently declined to riſk the fate of his kingdom in a general engagement. Edward left with the earl of Arundel the command of his army againſt the Scots, and appointed Richard de Umfranville, earl of Angus, to act as his deputy; but the war in Scotland, during this interval, was very feebly ſupported by theſe generals, on the part of Baliol and the Engliſh; and the friends of David Brus made great advances towards a total reduction of the kingdom, notwithſtanding the heavy loſs they had ſuſtained by the death of one of the guardians, the brave Sir Andrew Murray of Bothwell. After Murray's death, the lord Robert Stewart continued ſole guardian of the kingdom until the return of his uncle. He was nobly ſeconded in his military operations by Sir William Douglas, who expelled the Engliſh from Tiviotdale, and was rewarded with the government of that county. During this campaign, Douglas encountered many difficulties, and received ſeveral wounds. Sir Thomas Berkeley, a brave Engliſh commander, came upon him by ſurpriſe at Blackburn; and after a ſharp and obſtinate ſtruggle, cut off his whole party, excepting himſelf and two others, who had the good-fortune to eſcape along with him. Soon after this, Douglas, with a much inferior number, defeated Sir John Stirling at the head of a party of five hundred; thirty of whom he killed, and took forty priſoners. Encouraged by this ſucceſs, he attacked and routed, near Melroſe, a convoy with proviſions for the ſtrong caſtle of Hermitage, and afterwards reduced that caſtle, and furniſhed it with the ſtores he had taken from his enemies. About this time alſo he encountered and overcame a large detachment of Engliſh under Sir Laurence Vaux; and he had the good fortune, notwithſtanding he had been five times repulſed and put to flight in one day, by Sir William Abernethy, a commander of Baliol's, to put his party at laſt to a total rout, and to make Abernethy himſelf a priſoner. After theſe exploits, towards the end of the year, Douglas went over to France to ſolicit aſſiſtance from thence, and to inform king David of the ſtate of his affairs in Scotland.

Rym. vol. v. p. 30.

Fordun. Boece. Buchan. Holing.

A. D. 1339. Ford. l. 13. c. 45. Boece. Buchan. Holing.

In the beginning of the following year, the lord high ſteward laid ſiege to Perth; which Edward, as is above related, had fortified with great care, and provided with a ſtrong garriſon. The Engliſh defended it with ſuch vigour, for the ſpace of ten weeks, that the ſteward, deſpairing to take it, was about

to raiſe the ſiege; when Sir William Douglas arriving from France with five ſhips, carrying a large ſupply of men, arms, and military ſtores, he was determined by this critical reinforcement to perſiſt in his attempt, and render himſelf maſter of the place. The guardian diſpatched Douglas ſoon after his arrival, in an embaſſy to William Bullock, who had the command of the caſtle of Cowper, and was alſo chamberlain of Scotland under Baliol, and paymaſter of the Engliſh forces and their adherents in that kingdom. Douglas prevailed with Bullock, in conſideration of the grant of a large eſtate in Scotland to be ſecured to him by the ſteward, to yield up the caſtle of Cowpar, to deſert Edward Baliol, and to ſwear fealty to king David. Douglas returned to the ſiege of Perth, accompanied by Bullock, and the latter, by his great military ſkill, was of infinite ſervice to the guardian in the reduction of that place; which, after a noble defence of four months, was ſurrendered by the Engliſh governor, Sir Thomas Ughtred, upon condition of ſafety of lives and poſſeſſions to the garriſon. Baliol, intimidated with the ſucceſs of his enemies, left Galloway, where he for the moſt part reſided, and fled for refuge into England. His intereſt in Scotland was now almoſt totally annihilated; and of all Edward's conqueſts in that country, nothing now remained but the caſtles of Stirling, Edinburgh, Roxburgh, and ſome inconſiderable fortreſſes. The endeavours of the Engliſh generals, Arundel and Angus, to ſupport the ſinking affairs of their maſter in Scotland, ſeem to have been partly defeated by a cruel famine, owing to the ſucceſſive devaſtations of the more fruitful parts of the country; and which for the three laſt years was even more calamitous than the war that raged in it.

David Brus, K. of Scotland. 1339.

In the parliament held by Edward in the ſpring 1340, although his principal object was to make proviſion, for carrying on with vigour his war againſt the French king, yet the ſupport of the war in Scotland was not neglected. Several of the moſt conſiderable Engliſh nobles undertook to raiſe men, and to ſerve in perſon againſt the Scots. In particular, Gilbert Umfranville earl of Angus, the lord Henry Percy, Ralph lord Neville, the lord Anthony Lucy of Cockermouth, and the lord John Segrave, undertook in conjunction to ſet forth at their own coſts two hundred and ten men at arms, and two hundred and twenty archers. The lord John Moubrai was intruſted with the government of Berwick, having engaged by indenture, to remain there for a year, with a garriſon of one hundred and twenty men at arms, one hundred halberdiers, and two hundred archers; of which number he was to maintain, at his own expence, ſixty men at arms; ten of whom ſhould be knights, twenty halberdiers, and ſixty archers. The governor of Roxburgh caſtle, lord William Felton, was appointed to have thirty-ſix men at arms, and forty halberdiers, for the defence of that fortreſs; and he was alſo intruſted with the command of ſixty men at arms, fifty halberdiers, and as many archers, to accompany the lords who were charged with the defence of the marches. Sir Thomas Rokeſby undertook for a certain number of ſoldiers in time of peace, and for a greater number in time of war, for the defence of the caſtles of Edinburgh and Stirling; and five of the northern barons * agreed to furniſh five hundred

A. D. 1340. Barnes, p. 180, from a MSS.

* Theſe lords were, the lord William Roos of Hamlake, Ralph lord Bulmer, the lord John Willoughby of Ereſby, the lord Henry Fitz-Hugh, and the lord Adam Welles.

Edward III. K. of England. 1340.

and fifty men for the wars with the Scots. King Edward Baliol was reduced ſo low, that he only engaged to furniſh twenty men at arms *. Orders were iſſued, that no victuals ſhould be carried by ſea from England into Scotland; and a commiſſion was given to the earl of Angus, the lords Percy and Neville, or any two of them, to levy and array the men of Yorkſhire, Nottingham, Derby, and Northumberland, to receive any perſon to the king's peace and pardon, and to grant a truce. A commiſſion of the like nature was alſo given to the lord Wake, the lord Anthony Lucy, and Sir Pierce Tilliol, probably for Cumberland and the weſt marches †. But notwithſtanding all theſe preparations, the Scots had another very proſperous campaign. The caſtle of Edinburgh was ſurpriſed by the following ſtratagem, contrived by William Bullock, and executed by Sir William Douglas, and Sir Simon Fraſer. They directed one Walter Curry to counterfeit himſelf an Engliſh merchant, and to offer to the captain of the caſtle wines and other neceſſaries to ſell for the uſe of the garriſon. The captain agreed with Curry for a certain quantity of wine and ſea biſcuit, and promiſed him admiſſion to the caſtle at any time. Curry, pretending to be afraid of the Scots intercepting his goods, begged to be admitted very early next morning. That night Douglas gave orders to a body of his men, to conceal themſelves in the ruins of ſome houſes adjacent to the caſtle, and not to ſtir till the ſignal agreed upon was given. About day-break next morning, he, with Sir Simon Fraſer, and a few of the moſt reſolute of his followers, diſguiſing themſelves with ſailors habits over their armour, went with the proviſions to the caſtle; they were immediately admitted along with the carriages into the outer court; when Douglas, inſtantly killing the porter, and ſeizing the keys, opened the inner gate of the fortreſs, which he ordered to be immediately barricaded with the carts and waggons, leſt it ſhould be ſhut before the arrival of his men, who lay in ambuſh. To theſe he now gave the ſignal, by the ſound of a horn: they flew in a moment to his aſſiſtance; and falling ſuddenly upon the garriſon, put them all to the ſword, excepting the governor, Sir Richard Limeſi, and ſix Engliſh gentlemen, whom they made priſoners, and took poſſeſſion of the fortreſs. The Scots alſo, during the courſe of this year, made ſeveral ſucceſsful incurſions, in ſeparate bodies, into the northern counties of England, carrying their ravages and devaſtations as far as Durham; in which Sir Alexander Ramſay particularly diſtinguiſhed himſelf: from theſe expeditions they returned in ſafety, bearing home with them much ſpoil. A party, however, Holingſhed relates, under the command of the earls of March and Sutherland, were attacked by the lord Thomas Grey of Werke, Sir Robert Manners, and John Copland, a valiant eſquire of Northumberland, and were entirely routed. But a truce, concluded betwixt the kings of England and France, in the neighbourhood of Tournay, wherein the Scots, as allies of France, were comprehended, put an end to theſe hoſtilities.

Ford. vol. ii. l. 13. c. 47. Buchan. l. 9. c. 28.

Holing. Hiſt. Scot. p. 238.

* Barnes, upon the authority of his manuſcript, relates, That Baliol was ſo poor, that king Edward was fain to grant him towards the maintenance of his eſtate, together with the manor of Hexliſham, 300 *l. per ann.* out of the dioceſe of York, which was then vacant.

† Barnes is here very indiſtinct: his words are, the like commiſſion to be made to the lord Wake, the lord Anthony Lucy, and Sir Pierce Tilliol, whereof the ſaid Anthony to be one of the weſt marches.

This

This truce commenced the 25th of September 1340, and was to laſt until the Midſummer following.

David Brus, K. of Scotland.

In the year following, the diſpute that aroſe about the ſucceſſion of the duke of Britanny, gave a new beginning to the war between Philip and Edward; and the Scots, on the expiration of the late truce, immediately laid ſiege to the caſtle of Stirling. In order to ſave ſo important a place, an army was ſent northwards, under the command of Baliol, and afterwards a reinforcement under the earl of Derby; but theſe forces appear not to have been ſufficient to cope with the ſtrength which the Scots had at that time in the field. For towards the end of autumn, Edward came himſelf to Berwick, at the head of an army of forty thouſand foot, and ſix thouſand horſe. But he was too late; for he there received intelligence of the loſs of Stirling, which Sir William Douglas, juſtly apprehending the efforts that would be made for its relief, had preſſed by ſuch vigorous and unremitted aſſaults, that the garriſon were obliged to capitulate, on condition of marching out with ſafety of life and limb. Edward expected the arrival of a fleet at Berwick with proviſions for his army, which the deſolated country on the borders was by no means able to ſubſiſt. But contrary winds, and a courſe of tempeſtuous weather, diſappointed him; ſo that he was obliged to return to Newcaſtle, where, after he had waited a month, his ſhips that had eſcaped the fury of the ſtorms arrived in a very ſhattered ſtate. The Scots, not ſufficiently appriſed of Edward's diſtreſs, and unwilling to run the hazard of encountering numbers ſo much ſuperior to their own, are ſaid to have taken refuge in Jedburgh-foreſt, eſteemed at that time the ſecureſt retreat in the neighbourhood of the eaſtern border. From thence they ſent a biſhop and an abbot to Edward at Newcaſtle to ſolicit a truce, and obtained one for ſix months, on condition, that if within that period king David did not return from France, to aſſert in perſon his right to the crown, they ſhould no longer contend for him, but immediately transfer their allegiance to the Engliſh monarch. In conſequence of this truce *, Edward came

A. D. 1 41. Rym vol. v. p. 205, 206. Boece. Buchan. Froiſſard, c. 74. Rym. ib. 271. 285.

Froiſſard, l. 1. c. 74.

Knighton, p. 2580.

* A truce undoubtedly took place at this time betwixt Edward and the Scots. It appears from the date of a paper in Rymer, that Edward was at Melroſe on the twenty-ſeventh, and the Engliſh hiſtorians agree, that he kept his Chriſtmas there. But it reſts entirely upon the credit of Froiſſard, that this truce was brought about in the manner related in the text. That the Scots promiſed to transfer their allegiance from king David Brus to Edward, ſeems improbable in itſelf; and no authority for it is to be found in the records, nor in the hiſtories written near the times. We may very well ſuppoſe, from the ſituation of his affairs, that Edward would be far from being unwilling to grant the Scots a truce. There is ſome preſumption that this truce expired, or was about to expire in March. For in Rymer, (tom. v. p. 303.) we have a ſafe-conduct, dated Weſtminſter, 24th March 1342, granted to Adam biſhop of Brechin, Patrick earl of March, William Douglas, Thomas Carnot, knights, and William Bullock, with three hundred attendants, to come to any place in England, or any place in Scotland ſubject to the king's power, to treat with Edward or his deputies, of a final peace or truce. In conſequence of this liberty granted by Edward, the perſons above-mentioned probably repaired to Berwick; for we find in Rymer, (tom. v. p. 306.) powers given to the biſhop of Durham, Henry of Lancaſter, earl of Derby, and others, dated 3d April, to treat in the king's name with David Brus and his adherents of a final peace or a truce. What was determined in conſequence of this meeting is no where related.

Is not the ſafe-conduct granted to the perſons above-mentioned to ſolicit a peace or truce, a ſufficient refutation of what is related by Froiſſard? for if the Scots had agreed with Edward in December, to deliver themſelves up to him, if king David did not arrive from France in ſix months, why ſhould they engage in a new negociation with him in March?

Edward III. K. of England. 1341.

from Newcaſtle to the abbey of Melroſe, and there kept his Chriſtmas. His lieutenant-general, the earl of Derby, celebrated the ſame feſtival in the caſtle of Roxburgh; and during his reſidence there, was viſited by Sir William Douglas and three other Scottiſh knights. The ſpirit of chivalry, predominant in that age, enſured them of a welcome reception; and they were entertained with the martial ſport of jouſting with Derby and the knights of his train. The king came down from Melroſe to keep his Eaſter at Berwick. He there held a tournament, wherein twelve Scottiſh knights entered the liſts with as many Engliſh. Theſe ſports were often bloody, and they could ſcarce fail of growing too ſerious, where the antagoniſts were of nations inflamed by ſuch violent mutual animoſity. At this tournament, two of the Scottiſh knights were killed; and on the ſide of the Engliſh, Sir John Twyford, a knight of the earl of Derby.

A. D. 1342. Ford. vol. ii. l. 13. c. 49. Rym. vol. v. p. 214.

On the ſecond of June, in the following year, David Brus king of Scotland and his queen arrived from France at Innerbervy in Merns. The earl of Murray, who had been long a captive in England, having been exchanged, with the earl of Saliſbury, whom the French had made priſoner in their wars with the Engliſh, immediately on regaining his freedom, paſſed over to France, and thence accompanied David to his native country. Before the king's return, the Engliſh had been driven out of every part of Scotland except Berwick; for Sir Alexander Ramſay had recovered the caſtle of Roxburgh, either in the former year, or beginning of the preſent. But David's reſentment of his own grievous treatment, joined to the bitter complaints made by his ſubjects of their ſufferings from the Engliſh, prompted him to engage without delay in the work of ſeeking revenge, and obtaining repriſals for paſt loſſes and injuries. His ſubjects fondly flocking around his ſtandard, he ſet out from Perth at the head of a numerous army *; and entering England by the eaſtern border, waſted and ſpoiled, far and wide, the counties of Northumberland and Durham. He laid ſiege to Newcaſtle, which was defended with ſuch vigour, by Sir John Neville, that he was ſoon obliged to retire from it. He marched from thence to Durham, which city he beſieged and took; and there gave a full vent to his revenge againſt the Engliſh, ſparing neither ſex nor age, prieſts nor ſacred edifices. The king of England ſeems not to have expected, or not to have had timely information of this attack of king David upon his dominions; for there was no force near the march able to reſiſt this ſudden and formidable invaſion †. As the Scottiſh army was returning homewards with great loads of plunder, they paſſed in ſight of the caſtle of Wark. This fortreſs belonged at that time to the earl of Saliſbury; his counteſs reſided in it, and his brother Sir William Montagu was its governor. The indignation of the garriſon being excited at ſeeing the ſpoils of their country carrying off with impunity, a part of it conſiſting of forty horſe, with the

Froiſſard, l. 1. c. 75, 76, 77.

* Froiſſard relates, That king David's army conſiſted of ſixty thouſand foot, and three thouſand horſe. An incredible number for ſo deſolated a country ſo ſuddenly to raiſe.

† There is in Rymer, vol. v. p. 336, a commiſſion, appointing Edward Baliol general of the king's army on the Scottiſh frontiers, and empowering him to array all the militia beyond the Trent; which it would ſeem was not put into execution.

governor

governor at their head, ſallied ſuddenly forth, and attacking the rear of the Scottiſh army, killed two hundred of them, and carried one hundred and ſixty horſes laden with booty into the caſtle. The young king, provoked at this inſult, immediately led up his army againſt the caſtle, and attempted to force it by a general aſſault. But ſo vigorous a reſiſtance was made by the garriſon, animated by the courage and liberality of the counteſs, that the aſſailants were every where repulſed with great loſs. The Scottiſh king, however, diſcovering a determined reſolution to reduce the place, by preparing to fill up the ditch, and to batter the walls with engines, there appeared no other hopes of ſafety, but in conveying intelligence of their dangerous ſituation to the Engliſh monarch, who by this time was known to be approaching at the head of a great army. The caſtle being cloſely inveſted by the Scots, no one in the garriſon would undertake this ſervice, though encouraged to it by the moſt tempting offers of rewards. At laſt the governor himſelf, mounted upon a fleet horſe, and favoured by the gloom and noiſe of a ſtormy night, atchieved the dangerous enterpriſe. Hereupon Edward approached with redoubled ſpeed, and the Scottiſh chieftains unwilling to riſk the loſs of their booty, and at the ſame time ſenſible what an encumbrance it would be in an engagement, perſuaded the monarch to abandon the ſiege of the caſtle, and continue his march into his own kingdom. He yielded to their opinion with reluctance, and had left Wark only ſix hours before the Engliſh army came in ſight of it. The joy and gratitude diſcovered by the counteſs of Saliſbury * in her reception and entertainment of the king, on this intereſting occaſion, are ſaid to have given the beginning to that amour, to which the inſtitution of the famous order of the garter did a few years after owe its original. The Scottiſh king retired with his army to the foreſt of Jedburgh. The king of England purſued, and encamped at the diſtance of a few miles from it. Some days were ſpent in ſkirmiſhes of ſmall parties from the neighbouring armies. But it being impoſſible to attack the Scots in their preſent ſituation, and the proſecution of his deſigns againſt France, being ſtill the chief object of Edward's attention, he concluded a truce with David for two years †. The king of Scotland,

David Brus, K. of Scotland. 1342.

* Joan Plantagenet, ſiſter to John earl of Kent, and daughter of Edmund earl of Kent, the king's uncle.

† The account of king David's expedition into the north of England, as above related, reſts originally upon the credit of Froiſſard; but as it is adopted by moſt of the Engliſh hiſtorians, it is for that reaſon inſerted into the text. The truth of many circumſtances in it may be juſtly queſtioned. The taking of Durham, and the cruelty and ſacrilege David committed there, muſt be a miſtake; for as Tyrell obſerves, there is no mention of any thing like it, either in the Scottiſh or Engliſh hiſtorians, in manuſcript or in print. That David, in his return, might beſiege Wark, provoked by the attack made on the rear of his army, is not improbable; but that king Edward marched to its relief, is far from being certain. We have an account, in the records publiſhed by Rymer, of Edward's motions from June till the 4th of October, when he embarked at Sandwich for France, and they make no mention of his advancing farther northwards than Leeds. Where then ſhall we place his expedition to the borders, in which he muſt have conſumed a good deal of time? It is juſt poſſible, from the vacancies of ſome days in the records, that he might have made a forced march with part of his army, and relieved Wark, but he muſt have returned ſouthwards immediately. That Edward did not deſign to march to the North, and command his army againſt the Scots, appears from an order to the archbiſhops, dated 20th Auguſt, for public prayers; in which the king mentions

Edward III. K. of England. 1342. Froiſſard, l. 1. c. 79.

Scotland, informed by his nobles how much need there was of a reſpite, in order to reſume the long neglected work of the plough, agreed to this truce, but on the expreſs condition that the king of France ſhould approve of it; ſo cloſe an alliance had he entered into with that monarch, which, however detrimental in many caſes to the true intereſts of Scotland, would ſcarce be blamed in a young prince, whoſe perſonal obligations to the French king, for refuge and protection, were ſo recent and ſtrong.

A. D. 1343. Rym. tom. v. 357.

Edward being reduced to ſtraits in the following winter in an expedition into Britanny, found himſelf obliged to conſent to a truce for three years with France, in which Scotland being as uſual included, the late agreement with David was thereby confirmed and its term prolonged. This truce however appears on all ſides to have been ill obſerved. The animoſity of the contending nations was very highly inflamed; and it was impoſſible for the ſovereigns of thoſe times, to reſtrain their fierce and powerful nobles from exceſſes that both diſturbed domeſtic peace, and involved them in quarrels with their neighbours. The period of which we are now writing, affords us, in an event that happened on the borders, a ſhocking inſtance of this ferocious licence. Sir William Douglas lord of Liddeſdale, one of the greateſt warriors of that warlike age, had, in conſequence of his expelling the Engliſh from Tiviotdale, as is above related, been rewarded, or rather aſſumed, with the approbation of the guardian, the government of that country and the wardenſhip of the middle march *. Theſe honourable offices he poſſeſſed at the time of David's arrival. But Sir Alexander Ramſay, warden of the eaſtern march, and not inferior to the other in military fame, having been more early in his attendance on the young monarch, obtained from him the keeping of the caſtle of Roxburgh and the ſheriffdom of Tiviotdale †. This was reſented by Douglas as

Ford. vol. ii. l. 13. c. 50. Buchan. l. 9. c. 31.

tions his purpoſe of going over to France and commanding in perſon, and of his ſending an army into Scotland. Edward's amour alſo with the counteſs of Saliſbury, which Froiſſard relates at great length, is juſtly rejected by the Engliſh hiſtorians as entirely fabulous.

Fordun. Boece. Buchan.

The account the Scottiſh hiſtorians give of David's expeditions into England this year, differs widely from that of Froiſſard. The ſubſtance of what they relate is as follows: That king David ſoon after his return from France raiſed a great army, the command of which he gave to the earl of Murray, ſerving under him himſelf as a volunteer; that this army marched into Northumberland as far as the river Tyne, waſting and ſpoiling that county for two months, and carried home with them much plunder. That ſome time afterwards, the king went himſelf at the head of his army into England, and though the Engliſh generals declined an engagement upon account of their inferiority of numbers, yet, with a large body of horſe, they watched the motions of the Scots with ſo much care, that they not only prevented them from ſpoiling the country, but took five Scottiſh knights priſoners, after having routed the party that attended them. Upon this loſs, they inform us, David marched back his forces into Scotland. King David, they farther relate, muſtering his forces once more, about the end of autumn, undertook a third expedition; but this invaſion was rendered abortive, by an inundation of rain which rendered the roads impaſſable, and ſwelled the rivulets ſo much, that it was impoſſible for him to provide ſubſiſtence for his army, ſo that contenting himſelf with burning a few caſtles on the borders, he led home his forces. The Scottiſh hiſtorians add, that a truce was ſoon afterwards agreed upon to continue for two years, which put an end to theſe hoſtilities.

* Buchanan ſays, he exerciſed theſe offices without any authority from the king.

† Ramſay ſeems to have had a claim to the keeping of this caſtle, by his having lately recovered it from the Engliſh, and the ſheriffdom of the county was commonly annexed to this government.

an inexpiable affront, and his indignation, after being ſome time ſmothered, at laſt broke out in the moſt barbarous revenge. For, as Ramſay was holding a ſheriff's court at Hawick, he was ſuddenly attacked by Douglas, and a band of his followers, who, after killing three of Ramſay's men and wounding himſelf, caſt him on a horſe and carried him to the caſtle of Hermitage, where he was cruelly ſtarved to death. The king, informed of this outrage, threatened exemplary vengeance; but Douglas taking refuge in the inacceſſible wilds of the borders, where he alſo appears to have entered into a correſpondence with the court of England; David yielded to the interceſſion of friends, the commemoration of paſt ſervices, and above all, to the neceſſity of the times, received him into favour, and reſtored to him his lands, the offices he had formerly exerciſed, and the keeping of Roxburgh caſtle.

David Brus, K. of Scotland. 1343.

Rymer.

Edward returning to England in February, ſummoned all his forces to attend him at Berwick at Eaſter, in order to take ſignal vengeance on the perfidy of the Scots, for their repeated infringements of the late truce, of which he had many and grievous complaints tranſmitted to him while in France *. The Scots, before his arrival at Berwick, had laid ſiege to the caſtle of Lochmaben near the weſtern march, purſuing, *it would ſeem*, the accuſtomed method of diverting, or repaying an attack on one extremity of the border, by an incurſion on the other. Edward ſent the earls of Glouceſter, Northampton, and Warwick, and the lord Robert Ufford, eldeſt ſon to the earl of Suffolk, with a conſiderable body of forces to the relief of this fortreſs; but before they arrived, the ſiege was raiſed by the valour of the captain of the caſtle, Sir Walter Selby, and his brave garriſon, with the aſſiſtance of the biſhop of Carliſle and the lord Anthony Lucy. We have no account of Edward's military operations after he came to Berwick. A treaty was ſoon ſet on foot; and a truce concluded for two years, to which the king of France gave his conſent. While the treaty was in agitation, it is related, ſome ſkirmiſhes happened between the army of Edward and that of the Scots; in one of which, the lord Ralph Neville of Raby was taken priſoner and carried to Dunbar, from whence he was ſoon afterwards ranſomed. The truce now agreed upon, appears to have been no better obſerved by the Scots than former treaties: for in a commiſſion in the following year, appointing Baliol Edward's general on the borders, it is aſſerted, that, in direct violation of the truce, the Scots had often entered England in a hoſtile manner, plundering and doing all the miſchief they could, and that they were ſtill threatening and endeavouring to commit greater depredations. In the Autumn 1345, we are informed, that the Scots, at the inſtigation of the French king, invaded Weſtmoreland with a large army, under the command of Sir William Douglas, and burnt Penrith, Carliſle, and ſeveral other towns in the neighbourhood. They were oppoſed

Froiſſard, l. 1. c. 90, 91.

Walſing. ap. Barnes, 269.

Dugdale, ap. Barnes, ib.

Froiſſard, c. 91. Dugd. ap. Barnes, 269.

A. D. 1344. Auguſt 25. Rym. tom. v. 424, 425.

A. D. 1345. Walſing. ap. Tyrell, tom. iii. p. 493.

* Barnes relates from Dugdale, that Edward before his return from France, ſent Richard Bury biſhop of Durham, Ralph lord Neville of Raby, the lord John Striveling, and others, to treat with king David. But David having rejected his offers; Edward was ſo enraged, that in great indignation he vowed openly, "That now he would attend to no other buſineſs but the war with "Scotland only; till he had reduced that kingdom to ſuch deſtruction, as ſhould be remembered "while the world endured." Barnes, p. 268.

with

Edward III. K. of England. 1345.

with a choſen body of men collected by the biſhop of Carliſle, Sir Thomas Lucy, and Sir Robert Ogle, who watched their motions, and in ſome meaſure prevented their depredations. Theſe commanders fell upon a party of Scots headed by Sir Alexander Strachan, and detached from the main army in ſearch of forage and proviſions. After a ſharp conflict, the Scots were entirely routed, their leader Sir Alexander being run through the body with a ſpear, and killed by Sir Robert Ogle, who in the rencounter was himſelf dangerouſly wounded. In this action, the martial biſhop of Carliſle was diſmounted, and in danger of being made a priſoner; but, having recovered his ſaddle, he fought ſo valiantly, and animated his men with ſo much courage by his words and example, that he contributed greatly to the victory. After this loſs the Scottiſh army retired to their own country, upon information that a body of troops from Lancaſhire, and a party under the command of lords Percy and Neville, were faſt approaching to the aid of their countrymen.

A. D. 1346.

The following memorable year 1346, adorned the Engliſh with the nobleſt triumphs, and was productive of the moſt dreadful calamities to France and Scotland. Edward, by a rare conjunction of public and domeſtic felicity, with a fourth part of his enemies numbers, gained an entire victory over the French at Creſſy; his own ſpirit and good conduct being completely ſeconded by the irreſiſtible proweſs of his eldeſt ſon, afterwards known by the name of the Black Prince, at that time a youth of ſixteen years of age. After this victory, Edward laid ſiege to Calais, a very ſtrong place, and the moſt convenient key for admitting the Engliſh into France. The bravery of the governor and inhabitants of this city, joined to its natural and artificial ſtrength, made it impoſſible for Edward to reduce it, otherwiſe than by blocking it up by ſea and land. The king of France in theſe diſtreſſed circumſtances, prevailed with David king of Scotland to invade England, as the likelieſt means of drawing off ſome part of the Engliſh forces from the ſiege of Calais; and for his encouragement and aid, he ſent him over conſiderable ſupplies of men and money. Edward, on the other hand, apprehending a ſtorm from this quarter, made an attempt to divert it, by ſending three of his lords, Moubray, Roſs, and Lucy, with powers to offer to David, as the price of his friendſhip, the reſtitution of the town and caſtle of Berwick, and alſo, as the Scottiſh writers relate, though this is by no means probable, to deliver into his hands his rival Edward Baliol: but theſe tempting offers, though ſeconded by the advice of ſome of his nobles, he rejected; and being determined to aſſiſt his ally and benefactor, he aſſembled a parliament at Perth in the autumn, which approved of his intended expedition into England. He ſoon drew together a numerous army *, and in the beginning of October, made his invaſion by the weſtern border. On his march thither, he took the fortreſs of Liddel, and put the garriſon to the ſword; and ſpreading terror and deſolation all around him, in his progreſs through Cumberland, and the

Fordun. Boece. Buchan. Knighton.

Froiſſard, c. 137, 138.

* The account given of king David's army by ſome of the Engliſh hiſtorians, is abſurd. Barnes ſays, but does not give us his authorities, that it conſiſted of three thouſand men at arms, knights and eſquires, thirty thouſand common ſoldiers on geldings and galloways, beſides fifteen thouſand Genoeſe croſs-bows, and French auxiliaries.

ſouthern

David Brus, K. of Scotland.

1346.

ſouthern parts of Northumberland, he advanced to the neighbourhood of Durham. The queen of England, hearing of the invaſion intended by the Scots, ſummoned the peers and prelates that were left in the kingdom to attend her at York. With their aſſiſtance, ſhe ſoon aſſembled a reſolute body of troops of about ſixteen thouſand men: and, incenſed with the reports of the ravages and devaſtations committed by the fierce invaders, ſhe led theſe forces againſt David Brus, who was encamped with his army at Neville's Croſs, near the above-mentioned city, waiting the approach of the enemy *. The queen's army was formed into four diviſions. The firſt was commanded by the lord Henry Percy, and under him ſerved the earl of Angus, the biſhop of Durham, and other noblemen of the north: the ſecond, by the archbiſhop of York, accompanied by the brave biſhop of Carliſle, and the lords Neville and Haſtings: at the head of the third were, the biſhop of Lincoln, the lord Moubrai, and Sir Thomas Rokeſby: and Edward Baliol, attended by the archbiſhop of Canterbury, the lord Roos, and the ſheriff of Northumberland, had the command of the fourth. Each of theſe diviſions conſiſted of about four thouſand men, having each a proportionable number of archers and men at arms. Beſides the forces above related, a ſtrong and gallant party under the command of lords Deincourt and Ogle, guarded queen Philippa; who in the morning before the battle, after having rode along the ranks, and exhorted every man to do his duty, to maintain the honour of his king and country, and to take revenge upon their barbarous invaders, recommended her people to the protection of God, and retired to a ſmall diſtance from the place of action.

Froiſſard, ib. Barnes, p. 379.

Oct. 17.

The Scottiſh army was divided into three bodies. The high ſteward of Scotland and the earl of March were at the head of the firſt: the ſecond was led on by the earl of Murray and lord Douglas: the king himſelf commanded the third, compoſed of the French auxiliaries, and the flower of the Scottiſh nobility and gentry. While the Engliſh army approached, lord Douglas and Sir David Graham were diſpatched with a party of horſe to obſerve their motions, but they were reſolutely attacked by the enemy and driven back with great loſs upon the main body of their own army. This unfortunate beginning did not damp the courage of the Scottiſh king, who longed for a battle, and hoped to rival in fame his illuſtrious father king Robert; he therefore immediately commanded the trumpets to ſound a charge. The high ſteward, who led the van, being ſore galled by the Engliſh archers, ruſhed in upon them with ſuch fury, that he ſoon drove them back upon lord Henry Percy's diviſion; and the forces under his command plying that diviſion vigorouſly, with their battle-axes and broad ſwords, threw them into ſo great diſorder, that

Boece, l. 15. c. 324. Buchan. Froſſard, l. 1. c. 138, 139.

* That queen Philippa aſſembled this army and marched in perſon againſt the Scots, depends entirely upon the credit of Froiſſard, and the truth of it is juſtly queſtioned by Tyrell: he obſerves, that none of the Engliſh or Scottiſh hiſtorians mention the queen's being preſent, or having any thing to do at this battle, or with what followed it. The Engliſh hiſtorians, he remarks in his preface to his third volume, ſpeak of the archbiſhop of York, the lords Percy and Neville, as the commanders at that battle, without ſaying one word of the queen's being there, or ſo much as of her going down to thoſe parts; which if true, ſo memorable a circumſtance, he adds, could ſcarcely have been omitted by the authors who write the hiſtory of thoſe times. Tyrell, tom. iii. p. 535. Preſ. p. 7.

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they muſt have been entirely defeated, had not Baliol inſtantly advanced to their aſſiſtance, and broken in upon the ſteward's battalion with a large body of horſe. This timely aid turned the ſcale of battle, and obliged the high ſteward to retreat; which he did in a maſterly way, and without conſiderable loſs. Baliol allowing him to move off unmoleſted, inſtantly charged the diviſion under king David in flank, whilſt it was engaged with another body of Engliſh in front. David fought gallantly, rallying his diſordered men, and encouraging them by his words and example: aſhamed to forſake ſo valiant a prince, his brave battalion threw themſelves into a circle around him, and ſuſtained the combat with the greateſt vigour, until not above eighty of them remained alive with their king. Even in this deſperate ſtate, and though he had received two wounds, David refuſed to aſk quarter, hoping perhaps to be relieved by the high ſteward, and the diviſion under the command of the earl of Murray and lord Douglas. Deſpairing at laſt of ſuccour, and ſeeing it in vain to reſiſt, he ſurrendered himſelf to John Copland, a Northumbrian eſquire; who, the Scottiſh writers relate, loſt two of his teeth by David's gauntlet †. The remaining diviſion of the Scots, commanded by Murray and Douglas, intimidated with the fate of their companions, and overpowered with numbers, were ſoon put to an entire rout; Murray was ſlain on the field, Douglas was taken priſoner, and but few of their followers eſcaped.

Knight. 2590, 2591. Boece. Froiſſard. Barnes.

This battle was fought on the 17th of October, and laſted three hours, from nine in the morning till noon. The Scots are ſaid to have loſt fifteen thouſand on the field; the chief of whom were, the brave earl of Murray, ſo often mentioned, the earl of Strathern, the lord David Hay, conſtable, the lord Edward Keith, marſhal of Scotland, together with the chancellor and chamberlain of that kingdom, the lord Philip Meldrum, the lord John Stewart, and Allan Stewart his brother, Sir Alexander Bothwell the king's ſtandard-bearer, Sir Alexander Ramſay, and many others of diſtinction. The men of principal rank among the priſoners were, beſides the king, the earls of Fife, Sutherland, Menteith, Carrick, and Wigton; the lord Douglas, the biſhops of St. Andrews and Aberdeen, James Douglas brother to lord Douglas, Sir Malcolm Fleming, and many other knights and gentlemen. Copland conveyed the king privately to the caſtle of Ogle, of which he was governor. There he detained him till he received Edward's orders to deliver him up to Sir Thomas Rokeſby, ſheriff of Yorkſhire, by whom he was conveyed to the Tower of London. For this eminent ſervice Copland was created a knight banneret, and for ſupporting the dignity of that rank, received a grant of 500 l. a year, 400 l. of which was to be paid out of the cuſtoms of the port of London; and 100 l. out of thoſe of the port of Berwick, until proviſion

† Though the Scots, and moſt of the Engliſh hiſtorians ſay, that David was taken priſoner on the field; yet Knighton, with great probability, relates, that ſeeing the day loſt, and being wounded by an arrow on the head, he endeavoured to make his eſcape to Scotland by flight; but being purſued by Copland, he was taken priſoner near a place called Merrington, and conveyed thence privately to the caſtle of Bamburgh in Northumberland. Knighton, 2591. Moſt of the other hiſtorians relate, that king David was conveyed to the caſtle of Ogle in the above-mentioned county.

ſhould

David Brus, K. of Scotland. 1346.

ſhould be made for himſelf and his heirs, of rents of land, or other revenues, of equal value, in ſome convenient place *. The loſs of the Engliſh in this engagement is not particularly mentioned. Knighton relates, that only four knights and five eſquires fell on the field; and we learn from Dugdale, that the lord Ralph Haſtings was in this battle mortally wounded. So great a victory however could not be gained without blood, and the number killed on the ſide of the Engliſh, though not taken notice of by their hiſtorians, muſt have been conſiderable.

Scotland being deprived of its natural head by the captivity of its ſovereign, the guardianſhip of that kingdom came again into the hands of Robert the high ſteward; who, together with the earl of March, had returned in ſafety from the battle of Durham, but not without ſuſpicion of perfidiouſly deſerting the king. This charge was imputed with the greater appearance of truth to Robert, as he was heir apparent to the Scottiſh throne. But the terrible blow which the Scots had received, could not ſoon be recovered. Baliol, who had a very conſiderable, if not the chief command in the late battle, and who by his courage and conduct had contributed greatly to the victory, failed not to improve the vaſt advantages he had gained. Purſuing the ſcattered remains of the Scottiſh army over the marches, he regained, during the courſe of this year, the fortreſſes of Roxburgh and Hermitage; with the counties of Mers, Tiviotdale, the foreſt of Etterick, Annandale, and Tweddale; ſo as again to extend the Engliſh limits (for all this tract of country he had long ago yielded to the king of England) to Cockburnſpath and Sowtray. In the following year, while Baliol, at the head of twenty thouſand men, entered Scotland by Carliſle, the lords Henry Percy and Ralph Neville invaded it with an equal number of forces by the way of Berwick; thence they penetrated into Lothian and Clideſdale, while Baliol carried his arms into Nithſdale and Carrick. At laſt the two armies joined, and directed their march towards Perth. But their progreſs ſeems to have been ſtopt by the truce that was agreed on between the kings of England and France ſoon after the ſurrender of Calais; in which truce the Scots were included.

Boece, l. 15. Buchan. Knight. p. 2592. Hol. Sc. Hiſt.

A. D. 1347.

Sept. 28. Rym. vol. v. p. 588.

This truce was, by ſeveral renewals, prolonged for near eight years, not without the uſual infringements of it on the part of the borderers. On the Scots propoſing to enter into a treaty with Edward for the redemption of their captive king, they were told, that previouſly to any tranſaction of that nature, they muſt make compenſation for the inſults and damages they had, in

A. D. 1348. Knight. p. 2597.

* Froiſſard relates, that, for ſome time after the battle, it was not known where king David was, nor that he was taken priſoner. But that, as ſoon as the queen underſtood he was in Copland's cuſtody, ſhe diſpatched a purſuivant to him, with orders to bring his priſoner immediately to Durham; and to let him know, that he had not done his duty in carrying him off the field. To which meſſage Copland returned a very reſolute anſwer: 'That as for the king of Scots, he would be anſwerable 'for his ſafe keeping, but he would not deliver him up excepting to his ſovereign lord the king, 'or his order.' The queen, diſpleaſed with this anſwer, wrote bitter complaints over of Copland to the king; upon which Edward ordered him to Calais, which he was then beſieging: Copland, on his arrival, vindicated his conduct in ſo plain and brave a manner to the king, that Edward was entirely ſatisfied with what he had done, and rewarded him as mentioned in the text. Froiſſard, c. 139.

Edward III. K. of England. 1348.

violation of the truce, been guilty of towards his ſubjects and territories. This anſwer provoked the Scots to freſh outrages. Entering ſuddenly the marches of England in conſiderable bodies, they laid waſte the country by fire and ſword; and carrying off many priſoners, extorted extravagant ſums for their ranſom. The Engliſh wardens, ſeeming for a while to neglect theſe injuries, proclaimed a great tournament to be held at Berwick; to which many of the Scots ſecurely reſorting, without dread of danger, were ſuddenly attacked by a body of Engliſh placed in ambuſh, who killed ſome of the Scots and made others priſoners. But one of the moſt general and dreadful plagues recorded in all hiſtory, breaking out this year in England, and the next in Scotland, where it is ſaid to have deſtroyed about a third part of the inhabitants, gave a check to the ferocity of the contending nations; ſo that the truce was thenceforth better obſerved †.

A. D. 1355. June 24.

Soon after the expiration of the truce, hoſtilities were renewed in France, both on the ſide of Gaſcony and Picardy. The Black Prince commanded in the former province, and Edward himſelf made an invaſion from Calais. The king of France John, who had five years before ſucceeded to his father Philip, in order to engage his allies of Scotland to make a diverſion in his favour, ſent over Eugene de Garentiere, an eminent French knight, with a ſelect band of ſixty men at arms, and 40,000 crowns, to be expended in levying and maintaining a body of regular troops. This ſum the guardian and nobles of Scotland choſe to ſhare among themſelves, and to purſue the old method of haraſſing the Engliſh by ſudden and frequent attacks and inroads. Patrick earl of March and lord William Douglas ‡, having united their forces in an expedition of this kind, ſent Sir William Ramſay of Dalhouſie, a knight of approved valour, with a party before them, over the Tweed, to burn and plunder the populous village of Norham, and the country adjacent: Ramſay effected this, and knowing that a conſiderable body of the enemy were approaching, he allowed them to come ſo near as to encourage them to a purſuit, and then fled before them as far as Niſbit-moor in the Mers. There the Scots were lying in ambuſh with their main force, and the French auxiliaries; and the Engliſh being unexpectedly attacked by ſuperior numbers, were, after a gallant reſiſtance, put to the rout. Sir Thomas Gray, with his ſon and heir, Sir James Dacres, and other conſiderable

Ford. l. 14. c. 9.

† If Knighton is to be credited, the Scots were acceſſory to the bringing of this calamity upon themſelves. Hoping to avail themſelves of the peſtilence that depopulated England, they appointed a rendezvous in the foreſt of Selkirk in 1349, and invaded the Engliſh border: but before they made any conſiderable progreſs, five thouſand of them dropt down dead; and many of them were cut off by the enemy, who had drawn together a conſiderable body to oppoſe them. Thoſe who eſcaped, carried the infection to their own country. And this dreadful contagion is ſaid to have raged in Scotland with as much, if not with greater, violence, than in any nation in Europe. Knighton, p. 2600.

‡ This lord William Douglas, afterwards earl of Douglas, had, two years before, murdered the famous Sir William Douglas lord of Liddiſdale, ſo often mentioned, as he was hunting in the foreſt of Jedburgh; in revenge, as it is ſaid, of the death of Sir Alexander Ramſay. This murder was conſidered as the more atrocious, becauſe lord Douglas was the godſon and near relation of Sir William. Ford. l. 14. c. 8.

Engliſhmen, were made priſoners; and on the ſide of the Scots, two brave knights, Sir John Haliburton, and Sir James Turnbull, were ſlain. David Brus, K. of Scotland.

The Scots encouraged by this ſucceſs, ſoon after formed a ſcheme for the recovery of Berwick. Thomas Stewart earl of Angus, in concert with the earl of March, having collected a great number of ſhips from different ports of Scotland, filled them with brave warriors, and in a dark night diſembarked theſe on the northern ſide of the mouth of the Tweed. From thence they moved unobſerved to the foot of the wall, and in the dawn of the next morning applied their ſcaling-ladders at the port called Cow-gate. The firſt who gained the ſummit of the wall was William Towers, who being bravely followed by his companions, the Engliſh that were on guard were quickly overpowered, though not without making a ſtout reſiſtance; wherein Sir Alexander Ogle captain of the town, with two other Engliſh knights, were killed. The victors loſt in this aſſault ſix knights of note*, beſides a conſiderable number of inferior rank. The bulk of the townſmen, receiving the alarm in their beds, betook themſelves to flight in the utmoſt conſternation, ſeeking the neareſt ways of eſcape through the other gates, or over the walls: many of them got into the caſtle through Douglas Tower; and the whole wealth of the town, which is ſaid to have been very great †, being thus abandoned, became a prey to the Scots. The Engliſh in the caſtle immediately ſought the counſel and aid of Sir John Copland ſheriff of Northumberland, the ſame perſon who had taken David king of Scotland priſoner at the battle of Durham. And it was in concert with him reſolved, that a ſufficient number of men, ſecretly introduced into the caſtle, ſhould in the night-time endeavour to enter the town through Douglas Tower, and ſurpriſe the Scots garriſon. But the Scots having received intelligence of this deſign, aſſaulted and took Douglas Tower, and defended both the town and tower againſt thoſe in the caſtle, and the forces that had come to their aid: but the aſſaults that the Scots made on the caſtle were all to no purpoſe. Garentiere the French knight, and his followers, diſtinguiſhed themſelves in this reduction of Berwick; and Robert Stewart the guardian, having ſoon after come to ſettle the affairs of that place, carried the Frenchmen away with him; and after paying them all due honours, ſent them over to their own country.

1355. Ford. vol. ii. p. 351.

Boece, l. 15.

But this acquiſition of the Scots was of ſhort duration. The great importance of Berwick in thoſe days appears from the ardor of the Engliſh king to recover it; for, having received intelligence, while yet in France, of the ſucceſs of his enemies, he returned into England with all poſſible expedition; and though his parliament was then ſitting, he ſtaid only three days in his capital. Purſuing his march northwards, he arrived at Durham on the 23d of December; from whence he iſſued his ſummons to all the fighting men of the ſeveral counties of his kingdom to attend him at Newcaſtle on the firſt of January. Having kept his Chriſtmas at the laſt named town, he marched

Rym. vol. v. p. 828.

A. D. 1356.

* The names of theſe knights, according to Boece, were, Sir Thomas Vaux, Sir Andrew Scot of Balwirie, Sir John Gordon, Sir William Sinclair, Sir Thomas Preſton, and Sir Alexander Mowbray.

† *Auro & argento et divitiis infinitis*, are Fordun's words.

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Edward III. K. of England.

from it at the head of his army, and came before Berwick on the 14th of January. His navy having alſo arrived in the river's mouth, he laid ſiege to the town both by land and ſea. As the caſtle ſtill held out for him, he went into it in perſon, accompanied by his guards, deſigning to let down the draw-bridge, and to attack the town on that ſide, while his army aſſaulted other parts of the walls. Sir Walter Manny, alſo, one of Edward's moſt celebrated captains, was employed in advancing a mine below the wall, by the help of certain miners who had been brought from the foreſt of Dean. The Scottiſh garriſon, judging it impoſſible to hold out the place, againſt the combination of force and art that were employed to reduce it, ſoon offered to capitulate; and were allowed to march out with ſafety of life and limb. Such is the account given of this event by the Engliſh hiſtorians. The Scottiſh writers ſay, that the garriſon of their countrymen, on hearing of Edward's approaching with a great army, abandoned the town before his arrival, having firſt plundered it, and beat down its walls.

1356. Knight. p. 2611. Averſbury, c. 103.

Boece. Buchan.

Edward, leaving at Berwick a ſufficient number of men for a garriſon, and for repairing the fortifications, advanced farther into Scotland with his army, divided into three different bodies. The king himſelf reſided ſome time in the caſtle of Roxburgh, where Baliol made a formal ſurrender into his hands of his whole right to the kingdom of Scotland, by delivering to him his crown and ſome of the ſoil of the kingdom. He alſo yielded to him all his family eſtate, both in Scotland and England, declaring him his univerſal heir; and in return for theſe grants, Edward ſettled upon him an annual revenue. Baliol's old age, want of heirs of his body, and above all, the continued obſtinate rebellion of his ſubjects, are mentioned as the grounds of this reſignation in the deeds atteſting it, which are ſtill preſerved in the Engliſh archives *. It is alſo related, that while the king was at Roxburgh, he was amuſed by a propoſal from the earl of Douglas, and others of the Scottiſh nobles, to treat with him about ſubmitting to his authority; and that they, having by this means obtained a reſpite from hoſtilities for ſome days, employed that time in tranſporting their moveables of chief value beyond the Firth; and that afterwards they ſent the king a defiance. Hereupon the king, greatly incenſed, advanced with his army to Haddington, every where ravaging and deſtroying the country in his way. But beſides being continually haraſſed by ſmall parties of the Scots, he found the country utterly deſtitute of proviſions; and in particular, for fifteen days, his army had no other drink but water. To complete his diſtreſs, a fleet that he expected to arrive with proviſions and other neceſſaries in the Firth, was by a violent tempeſt diſperſed and deſtroyed. Theſe diſaſtrous circumſtances made the king loſe all temper, and in retiring from Scotland, where it was now impoſſible for him

Jan. 20. Rym. vol. v. p. 832—843.

Knighton, p. 2611.

Boece, l. 15. Holing. Eng. Chron. p. 955.

* From the papers relating to this tranſaction it appears, that the king's two ſons, Lionel and John, at that time earls of Ulſter and Richmond, were with him at Roxburgh. They are mentioned as witneſſes to ſeveral of theſe deeds next after the biſhop of Durham. The abbots alſo of the great border monaſteries of Melroſe, Kelſo, Jedworth, and Driburgh, are in the liſt of thoſe witneſſes. Two of the deeds are dated at the caſtle of Bamburgh. Baliol died at Doncaſter in 1363.

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to continue any longer, he diſcharged his wrath on Edinburgh, Haddington, and the other open towns in his way, reducing them all to aſhes: in memory whereof, the Candlemas of that year, about which time this devaſtation happened, was long after known by the name of the *Burnt Candlemas*. Soon after his arrival in his capital, he iſſued orders to the earl of Northampton, whom he had appointed his warden and lieutenant on the marches, and alſo to his chancellor and chamberlains of Berwick upon Tweed, and to his ſheriffs of Berwick and Roxburgh, to cauſe public proclamation to be made in proper places within his kingdom of Scotland, of his fixed intention and will, that the inhabitants of that kingdom ſhould continue to be governed by the ſame laws and cuſtoms that were eſtabliſhed among them, before the kingdom came into his hands by the reſignation of Baliol. With the ſame view, however fruitleſs, of gaining the affections of his Scottiſh ſubjects, he directed ſome time after, to the chancellor and chamberlain of Berwick, a confirmatory grant of the liberties and privileges of the men of Tiviotdale; declaring it to be his pleaſure, that the inhabitants of that country, in conſideration of their good behaviour and ſtedfaſt adherence to the king, from the time that they became ſubject to him, ſhould be maintained in the full enjoyment of all ſuch liberties, privileges, and cuſtoms, as they had poſſeſſed, and peaceably and reaſonably uſed, during the reigns of Alexander III. and his predeceſſors, and from that time, down to the period of their becoming ſubject to the king of England. Theſe liberties are mentioned as having been enjoyed by them both in Berwick and in other places of Scotland; but no particular is ſet forth, of thoſe privileges which the king did thus ratify.

David Brus, K. of Scotland. 1356.

March 15. Rym. vol. v. p. 846.

Ib. 854.

The progreſs of this year was ſignalized by the battle of Poictiers, wherein the Engliſh, under the heroic prince of Wales, though not with a ſixth of the numbers of the French, gained a complete victory over them; and their king was taken priſoner. In the March of the following year, a truce for two years was concluded between England and France, at the earneſt interceſſion of the Pope. This truce did, as uſual, comprehend the Scots, and paved a way for reſuming a negociation, which had ſeveral times before been undertaken without ſucceſs, for reſtoring the captive king of Scotland to his liberty. Six years before, upon hoſtages of ſome of the greateſt of his ſubjects being ſent into England to ſecure his return, he was allowed to go into Scotland, to concert with the community of his kingdom the terms of his redemption; but he found it impoſſible to reconcile them to the condition long inſiſted on by Edward, of his doing homage to him for his kingdom. The nation was alſo ſo exhauſted by all ſorts of calamities, and ſo deſtitute of any profitable commerce, that it was not in their power to advance a large ſum for a ranſom. David therefore, after ſtaying ſome months with his ſubjects, found himſelf under the mortifying neceſſity of returning again a priſoner into England, and was exchanged with his hoſtages at Berwick about the Eaſter of 1352. In this, and the three following years, the treaty for David's redemption was renewed at Newcaſtle; and Edward, having at laſt deſiſted from his claim of homage, the Scots agreed to pay 90,000 merks ſterling, as the ranſom of their king. The payment was to be completed in

A. D. 1357. Rym. tom. vi. p. 3.

Edward III. K. of England.

1357. nine years; during which there was to be a truce between the kingdoms; and twenty hoſtages were to be ſent into England for enſuring the fulfilment of this contract. The whole of this agreement was confirmed by a ſubſequent meeting of commiſſioners from both kingdoms, at Berwick in November, and a day was fixed for another meeting at Berwick in January, to proceed to the execution of the articles agreed upon. Edward and his ſon the prince of Wales ratified each of theſe contracts. But the guardian and ſtates of Scotland, probably influenced by France, refuſed their ſanction, and did not ſend the hoſtages into England. At length, after an interval of almoſt three years, this negociation was reſumed with ſucceſs; and the main articles having been agreed to at London, between the king of England's council and deputies ſent thither from Scotland, Berwick was again appointed to be the place for completing and perfecting it. The Scottiſh plenipotentiaries, commiſſioned by Robert Stewart, the guardian, in full council of the kingdom, were, the biſhops of St. Andrews, Caithneſs, and Brechin, the earl of March, Sir Robert Erſkine, and Sir William Livingſtone. There were alſo other commiſſioners from the clergy, the nobility, and burghs, all furniſhed with the moſt ample powers. The commiſſioners from the king of England were, the archbiſhop of York, the biſhops of Durham and Carliſle, and the lords Percy, Neville, Scroop, and Muſgrave. Theſe all met at Berwick, and David was conducted thither, to attend the congreſs. The final agreement concluded between them was, that king David ſhould be releaſed for the ranſom of 100,000 merks ſterling, to be paid yearly, during a truce now agreed to of ten years; whereof the firſt payment was to be made at the term of Midſummer next, and the reſt at the ſame term in the following years; all of them at Berwick, if that place continued in the hands of the Engliſh, if not, at Norham, or if it pleaſed the king of England, at Bamburgh; that, for ſecurity of fulfilling this treaty, David ſhould deliver to the king of England twenty hoſtages, heirs of the chief families of his kingdom *, and that three out of eight of the principal nobles of the kingdom, whoſe names are mentioned in the treaty †, ſhould alſo enter themſelves hoſtages on the delivering up of the king, not to be relieved otherwiſe than by others of the ſame number ſupplying their place; ſo that three of them were always to be hoſtages in England, until the payment of the king's ranſom ſhould be completed; that on failure of the payment at any of the terms, David ſhould return to England, deliver himſelf priſoner, and remain ſuch, till all the arrears due were diſcharged. Theſe, and ſome other articles of leſs moment, David was bound to confirm by oath, and ſolemnly to declare himſelf infamous and degraded from all his dignities, and his ſubjects releaſed from their allegiance, if ever he ſhould preſume to infringe this treaty. The king alſo, with his prelates, lords, and merchants, ſubjected themſelves to the higheſt cenſures of the

Rym. vol. vi. p. 31,—65.

Oct. 3.

* The principal of whom were, the heirs of Robert, Steward of Scotland, of the earls of Sutherland, March, and Wigton, and of the lords Cunningham, Graham, Livingſtone, and Erſkine. Rymer, vol. vi. p. 47, 48.

† Theſe were, the Steward of Scotland, the earls of March, Marr, Roſs, Angus, and Sutherland, the lord Douglas, and Thomas Murray. Ib. 48.

church,

church, if they ſhould fail of paying the money in the manner agreed upon; and each of them obliged himſelf as a principal debtor, for payment of the whole ſum. This treaty, two days after concluded, was ratified by David, now conſidered as reſtored to his full liberty, and alſo by the deputies of the three eſtates of his kingdom. About a month after, the ſame was done at Scone in a full parliament of the whole kingdom, and about the ſame time it was ratified by the Engliſh king at London *.

David Brus, K. of Scotland. 1357. Nov. 6.

But it ſoon appeared that David and his ſubjects had brought themſelves under an obligation, which it was impoſſible for them to fulfil; ſo exhauſted was Scotland by a long ſeries of calamities, ſo ſmall its ſhare in commerce or the arts, and ſo difficult was it, in the rude ariſtocratical conſtitution of the times, to tax the revenues of thoſe who were beſt able to ſupply the public neceſſities. The firſt payment however was made at Berwick at the time prefixed. A ſecond payment was made in the year following, after a delay from Midſummer till Martinmas, obtained by the interceſſion of the Scottiſh queen with her brother. It appears, that David in theſe ſtraits had recourſe to Charles, Dauphin of France, and regent of that kingdom, during his father's captivity in England, and that Charles engaged to ſupply him with 50,000 merks, that by expediting the payment of his ranſom, he might the ſooner recover his hoſtages, and be in a condition to aſſiſt his ancient ally, by renewing the war with England. But this treaty was rendered of no effect by the formidable invaſion of France, which Edward made in the following year, and by the celebrated good faith of John in obſerving the treaty of Bretigny, which reſtored him to his liberty at the price of many of the beſt provinces of his kingdom, and a vaſt ſum of money beſides. David, therefore, was ſtill kept in a diſtreſsful dependence on the king of England; to put an end to this, and at the ſame time to eſtabliſh a perpetual peace between the neighbouring nations, a remarkable plan for effecting an union of them, was ſome years after drawn up at London, in preſence of the two kings, by the privy counſellors of each †. In this project, it was agreed, that David ſhould propoſe to the communities of Scotland ‡, that if he ſhould die without heirs of his own body, they ſhould conſent that the king of England and his heirs ſhould ſucceed to him in the throne. And on their thus ſettling the ſucceſſion, the king of England, beſides forgiving the whole arrears of David's ranſom, propoſed immediately to reſtore the town and caſtle of Berwick, the caſtles of Roxburgh, Jedburgh, and Lochmaben, with the country in the neighbourhood of each, and all the other lands ſtill poſſeſſed in Scotland by the Engliſh. And Edward did not only agree to reſtore theſe late acquiſitions, but conſented to put the king of Scotland in poſſeſſion of the greater part of thoſe lands and rents which his anceſtors had enjoyed in England, with an equivalent for the remainder, to be aſſigned him in a convenient place; and with-

A. D. 1358. Rym. tom. vi. p. 91. A. D. 1359. Ib. 117. Aberc. vol. ii. p 124.

A. D. 1360.

Rym. tom. vi. p. 426.

A. D. 1363. Nov. 27.

* Fordun relates, that David, upon his return to Scotland, in conſequence of a private promiſe to Edward, demoliſhed the caſtles of Dalſwinton, Dumfries, Morton, and Duriſdeire.

† The record ſays, *Parlé fu en manere qe ſenſuyt entre les privez Conſeux des ditz Rois.*

‡ The three bodies of prelates, barons, and burgeſſes, are here meant. Towards the end of this paper, they are expreſsly called the three communities of Scotland.

Edward III. K. of England. 1363.

out paying any ſervice to the Engliſh but what was due for theſe lands. He offered farther to preſerve the name, and to maintain the conſtitution, laws, and privileges, whether civil or eccleſiaſtical, of Scotland, to continue as a kingdom, ſtill diſtinct from England, though under the ſame head. Although this plan was perhaps never fully matured, yet we are aſſured by the Scottiſh hiſtorians, that the project of uniting the kingdoms under the Engliſh king and his heirs, in caſe of David's having no heirs of his body, was propoſed by the latter to his parliament *. David was earneſtly deſirous to free himſelf from the bondage he was kept under by the debt of his ranſom; and it is not improbable, that his own averſion to Edward was in ſome degree overcome, by the humanity and politeneſs wherewith he was treated during his captivity, and for which the court of England was in thoſe days very illuſtrious. But the bulk of Scotſmen could regard Edward in no other light than as the greateſt adverſary, and moſt cruel ſcourge of their country. It was therefore nothing wonderful, that this propoſal of David was rejected by the Scots, as we are informed by their hiſtorians, with general indignation.

Fordun. Boece. Buchan.

A. D. 1365. May 20. Rym. vol. vi. p. 464.

Soon after a new agreement was concluded, by which, on account of the failure of David in the annual payments, to which he and his ſubjects were bound by the treaty of Berwick, and in order to free themſelves from the penalties they had incurred, they engaged to pay 100,000 *l.* in the ſpace of twenty-five years, by equal yearly proportions, at the places appointed in the former treaty. The payments were regularly made at Berwick for four years, during which, a truce had been concluded between the two kingdoms, with liberty to each king, under certain conditions, to renew the war at the end of that period, on giving a half year's warning to the other, and on forfeiting certain advantages he would otherwiſe have enjoyed. But about the expiration of this truce, war broke out afreſh between England and France; and Edward, apprehending that the French would engage their ancient allies to invade England, uſed the precaution of ſending a conſiderable number of forces to the northern frontiers. He alſo re-inforced the garriſons of Newcaſtle, Berwick, Roxburgh, and the other fortreſſes near the borders. David, however, was prevailed upon to renew the truce for fourteen years, in the courſe of which he was bound to pay 56,000 merks, by equal yearly pay-

A. D. 1369.

Rym. vol. vi. p. 632.

* David would be induced to conſent the more readily to this treaty, as he was in bad terms with his nephew Robert Stewart, for deſerting him, as he ſuppoſed, at the battle of Durham. The year after his return, in a parliament which David then held, he changed the order of ſucceſſion to the crown, transferring it from Robert, to the ſon and heir of the earl of Suthorland, his nephew by a younger ſiſter; which young nobleman died ſoon afterwards of the plague in England, whither he was ſent as an hoſtage for the payment of his uncle's ranſom.

Holingſ. Hiſt. Scot. 244.

David's queen, Jane, ſiſter to Edward, died at her brother's court, in the end of the year 1358; and he had married about this time Margaret Logie, a private gentlewoman, but much celebrated for her beauty, whom he afterwards repudiated. Perhaps this marriage, as Guthrie, in his hiſtory of Scotland, obſerves, was not known till the treaty was near its concluſion. For after the agreement was drawn up, the Engliſh commiſſioners ſtarted the following queſtion: what equivalent Edward was to have for the ceſſion of the town and caſtle of Berwick, and for all the other places and lands, he was to relinquiſh, if David ſhould have heirs of his own body? It does not appear from the record, what anſwer was given to this queſtion. It looks, as the above quoted author remarks, as if Edward was in no pain on account of the proſpect of David's having children.

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ments, as the remainder now due of the ranſom that had been agreed upon by the treaty of Berwick; the king of England being glad, for the ſake of ſecuring the quiet of his Britiſh dominions, to make ſo large an abatement from the ſum which David had engaged to pay him by their laſt agreement. He alſo conſented, that the ſubjects of David who claimed a right of heritage to the lands or poſſeſſions held by the ſubjects of the Engliſh king, in the ſhire of Roxburgh, ſhould, during this truce, draw half the rents and profits of theſe eſtates, according to a juſt eſtimate made of their value by proper perſons choſen by each party. The annual payments were now reduced to 4000 merks, and the firſt of them was made at Berwick, at Candlemas in the following year; but David having found ſome inconveniency in making the payments at Candlemas, obtained from Edward, the favour of a delay in theſe payments from Candlemas until Midſummer, which they agreed ſhould be the term of payment during the ſubſequent years of the truce.

David Brus, K. of Scotland. 1369.

A. D. 1370. Ib. 654, 655.

The year following concluded this unfortunate prince's life and reign, which, almoſt from beginning to end, had been obſcured and oppreſſed by the greatly ſuperior power and glory of his neighbour.

A. D. 1371. Feb. 22.

David, leaving no iſſue, was ſucceeded by his nephew Robert, the firſt of the royal line of Stewarts, agreeably to the ſettlement of Robert Brus, whoſe grandſon he was by his eldeſt daughter Marjory. The new king continued to maintain the truce with England, and to make the annual payments of the arrears due of king David's ranſom. But though there was no open or declared war between the nations, the borderers could not be reſtrained from their accuſtomed outrages. At a fair held at Roxburgh in Auguſt, to which multitudes of people were wont to reſort from both kingdoms, one of the followers of George Dunbar earl of March, was ſlain by ſome of the Engliſh. The earl applied to lord Henry Percy, warden of the Engliſh marches, for redreſs of this injury, by delivering up the offenders, or inflicting due puniſhment upon them agreeably to the border-laws. But no ſatisfactory return being made to this demand, the angry Scottiſh chieftain reſolved on a cruel revenge. Waiting the return of the fair in the year following, he and his brother the earl of Murray, accompanied by a conſiderable body of their friends and followers, attacked the town by ſurpriſe, killed all the Engliſhmen they found in it, ſet it on fire, and carried off in triumph its ſpoils. The Engliſh borderers, in reſentment of this outrage, ſoon after entered Scotland, and ravaged the lands of Sir John Gordon, which probably lay nearer the place of their inroad than thoſe of the earl of March. Gordon ſoon made repayment in kind, by an incurſion into the Engliſh borders; but as he was returning with many priſoners and a great train of cattle, he was attacked at Carham by a ſuperiour force, under the command of Sir John Lilburn. The conflict was fierce, and its deciſion long doubtful; the Scots being driven from their ground, and returning again to the charge five different times. At laſt, however, they prevailed, and added to the number of their priſoners, Lilburn, his brother, and many of their followers. Lord Percy the Engliſh warden, to revenge theſe loſſes and inſults, entered Scotland at the head of ſeven thouſand men, and having croſſed the low country of the Mers through one of its moſt

Robert Stewart, K. of Scotland.

Buchan. l. 9. c. 40, 41. Ford. vol ii. l. 14. c. 37, 38.

A. D. 1372.

Edward III. K. of England. 1372.

fertile ſpots, encamped at Duns. But his farther progreſs was ſtopt by a contrivance of the ſhepherds and peaſants in that neighbourhood, who bethought themſelves of employing, in defence of their country, a very ſimple ſort of machine, which they commonly made uſe of to fright away from their corn, the deer and wild cattle that then abounded in the hills of Lammermuir. Theſe were a kind of rattles made of pieces of dried ſkins, diſtended around ribs of woods, that were bended into a ſemicircular form, and fixed to the ends of long poles. The bags, being furniſhed with a few hard pebbles, and vigorouſly ſhaken by a rapid motion given to the poles, made a hideous noiſe: and an unuſual number of them being thus employed on the tops of the adjacent hills, the horſes of the Engliſh took fright, and breaking away from their keepers, ran wildly up and down the neighbouring fields, where they became a prey to the people of the country. The army alſo, awakened with the ſtrange noiſe, and finding themſelves in the morning deprived, not only of their war-horſes, but of many of their beaſts of burden, retired on foot towards the Tweed in precipitation and diſorder, having left their baggage behind them. The ſame day, Thomas Muſgrave, governor of Berwick, as he was carrying ſome ſquadrons of his garriſon to join the army under Percy, fell into an ambuſh prepared for him by Sir John Gordon. Being ſurrounded before he was aware, and attempting in vain to eſcape by flight, he, and the body he commanded, were made priſoners *. About this time alſo, Sir John Johnſton and his followers made incurſions on the weſt borders, and waſted and deſtroyed the country as much as uſed to be done by the ravages of regular armies.

There are no events belonging to our ſubject, recorded as happening during the remaining five years of Edward III.'s reign. This illuſtrious monarch had ſufficient experience, in the laſt years of his life, of the vanity of human greatneſs; not only by the domeſtic loſſes of his beloved queen, and excellent ſon, the Black Prince, but by his being deprived of all the towns and territories he had acquired in France, excepting Calais. The decline of his own life, and of the prince of Wales's health, gave a favourable opportunity to the

* It is probable, that theſe exploits are either magnified or miſplaced, according to the uſual inaccuracy of the Scottiſh hiſtorians, as there is no memorial of them in the public acts. It appears from theſe, that about the beginning of this year there were apprehenſions of an invaſion from Scotland, to repel which, the wardens were ordered to remain in the neighbourhood of the marches, and all perſons who owed ſervice in war, were commanded to abide in the country. And in the beginning of the following year it appears, that there had been diſſenſions between Henry lord Percy, and William earl of Douglas, which becauſe the wardens of the marches could not conveniently compoſe, on account of Percy and Douglas being themſelves of this number, the king of England found it neceſſary to nominate commiſſioners on his part, to meet with others from the king of Scotland, to ſettle theſe differences in an amicable manner, agreeably to the tenor of the truce then ſubſiſting †. Commiſſioners were alſo appointed, in the ſame year, to meet on the Monday after Midſummer at Lyliot's-croſs, with the uſual charge and powers to repair the breaches, and puniſh the breakers of the truce in the king's marches of England, and his dominions in Scotland; and to require and proſecute redreſs and puniſhment of ſuch offences from the king of Scotland and his ſubjects.

Rym. vol. vi. p. 713.

A. D. 1373. Rym. vol. vii. p. 2.

Ibid. p. 9.

A. D. 1374. Auguſt 29th.

† Next year a commiſſion is granted to perſons both more eminent and numerous, for the ſame purpoſe and for the ſame reaſon. The particular ſubject of debate between theſe chieftains is there ſaid to be the foreſt of Jedburgh, and the profits thence ariſing.

celebrated wiſdom of Charles V. of France, ſeconded by the extraordinary military talents of his conſtable du Gueſilin, to exert themſelves in recovering the parts lately diſmembered from the French monarchy; and which it was always much eaſier for a king of France to attack, than for a king of England to defend. The progreſs of this new war in France had been ſtopt by a truce which expired a little before Edward's death; and the minority of Richard II. the ſon of the Black Prince, who ſucceeded his grandfather, in the eleventh year of his age, gave a freſh advantage to the French king for renewing the war, and purſuing his conqueſts. As the Scots were always by affection in the intereſt of France, it is probable that the revival of the war abroad, may have been connected with a freſh diſturbance that happened this year on the borders; which, in its circumſtances, nearly reſembled that which was laſt related. The borderers of the different nations having quarrelled at the fair of Roxburgh, the town was burned by the Scots; upon which the lord Henry Percy, who at the coronation of Richard II. had been created earl of Northumberland, entered Scotland at the head of ten thouſand men, and during the ſpace of three days ravaged the lands of the earl of March. Commiſſioners were appointed for quieting theſe diſorders, and ſettling mutual reparation of injuries; and in the year following, the Engliſh council named plenipotentiaries to treat with the Scottiſh king about a final peace. But on the Thurſday before the feaſt of St. Andrew, which was about the time that this negociation ſhould have begun, the caſtle of Berwick was ſurpriſed in the night by ſeven deſperate fellows from the neighbouring Scottiſh border *. They killed the coſtable, or governor, Sir Robert Boynton, but allowed his wife and family to depart, exacting from them a ranſom of two thouſand merks ſterling to be paid in three weeks; and obliged them, in caſe of failure, to return priſoners to the caſtle. The earl of Northumberland having complained of this breach of the truce to the earl of March, the latter diſclaimed any knowledge of it, and offered to join his forces to thoſe of the Engliſh warden, in order to recover the place from the banditti who had ſeized it. Northumberland having, in the name of his maſter the king of England, ſummoned them to ſurrender, they inſolently anſwered, That they would neither yield it to the king of England, nor the king of Scotland; but would retain and defend it againſt all mortals for the king of France. Some of their friends and countrymen having joined them, increaſed their number to forty-eight; and this determined band are ſaid to have defended the fortreſs eight days, againſt ſeven thouſand Engliſh archers, and three thouſand horſe, commanded by the earls of Northumberland and Nottingham, the lords Neville, Lucy, Stafford, and other Engliſh noblemen. On the ninth day, after a long and furious aſſault, during which the beſieged loſt only two of their number, the Engliſh entered

Robert Stewart, K. of Scotland. A. D. 1377.

June 21ſt. Richard II. K. of England.

Walſing. p. 212.

A. D. 1378.

Fordun. Walſingham.

* Fordun calls them *ſeptem valentes vernaculæ marchiæ*. The names of ſome of them, he ſays, were Lieghert, Artwood, Grey, Hog, Hempſede, Jak de Fordun; he ſays, there were other two, which makes their whole number eight. Perhaps the eighth was their leader, who, Abercromby, on the authority of H. Boethius, ſays, was the brave Sir John Gordon. But he who had the command when the place was ſtormed, is called, by the Engliſh writers, Alexander Ramſay. Aberc. vol. ii. p. 178. Tyrell, vol. iii. p. 837. 845.

the

Richard II. K. of England. 1378.

the place, and put all within it to the ſword, ſparing only the governor, that they might learn from him the deſigns of the Scots. After thus reducing the caſtle, the Engliſh army marched into Scotland; but the Scots, who were then in arms, being inferior in numbers, and watching an opportunity of attacking their enemies with advantage, declined appearing in the open field; wherefore the Engliſh generals ſent Sir Thomas Muſgrave, a knight of Cumberland, with ſix hundred men, as far as Melros, to diſcover the ſituation of the Scots. But this party being ſuddenly attacked from an ambuſh of three thouſand men, commanded by the earl of Douglas, Muſgrave, with more than a hundred of his men, were made priſoners; the reſt being either killed, or making their eſcape by flight. Young Henry Percy, ſon to the earl of Northumberland, afterwards ſo well known by the name of *Hotſpur*, is ſaid to have diſplayed extraordinary courage, both in the ſiege of Berwick caſtle, and in the ſubſequent rencounter with the Scots.

Froiſſart.

Though the truce was ſtill conſidered as ſubſiſting, yet the borderers continued their mutual inroads: and conſiderable advantages were gained by the Scots, chiefly on the weſtern border; which ſeems to have been partly owing to a plague that ravaged the north of England, and partly to a want of due care in thoſe who had the adminiſtration of public affairs during the minority of the king. At laſt the king's uncle, John duke of Lancaſter, the perſon of chief authority in the Engliſh regency, and in right of his wife, the eldeſt daughter of Peter the Cruel, titular king of Caſtile and Leon, was ſent northwards with a great army, and full powers to regulate all border affairs, and to treat with the king of Scotland. Accordingly, the biſhops of Glaſgow and Dunkeld, William earl of Douglas, George earl of March, and Archibald Douglas lord of Galloway, whereof the three laſt-named were at that time the wardens of the marches, met with the duke of Lancaſter at Berwick *; and there, on the firſt of November, agreed to a ſecurity, as they called it, or mutual ſtrict obſervation of the truce, until St. Andrew's day in the following year; and that on the 12th of June, a march day ſhould be held at Ayton, where the duke of Lancaſter, and the earl of Carrick, eldeſt ſon of the Scottiſh king, with a proper number of attendants, ſhould meet, in order to a more mature examination and full ſettlement of all matters in queſtion, relating to the truce betwixt the two kingdoms. The Engliſh writers complain of the duke's allowing himſelf to be amuſed by the Scots, ſo that no advantage was reaped from this formidable expedition, wherein many of the principal nobility accompanied him, and which is ſaid to have coſt the public eleven thouſand merks. But the duke's ambition of making good his title to the crown of Caſtile, which had prompted him to enter into an alliance with Ferdinand king of Portugal; and for the ſupport of which claim he had obtained the concurrence and aid of the Engliſh parliament; made him very earneſt to

A. D. 1380.

Rym. vol. vii. p. 268. 277.

ibid. 276, 277.

Froiſſ. l. 1. c 61. Rym. vol. vii. p. 268. 276.

* The earls of Warwick and Suffolk, and others commiſſioned by the king of Caſtile, had met with theſe Scottiſh commiſſioners on the 17th of October, and four following days, at Lyliotcroſs, Mixtown, and Morhouſlaw; but it was judged more expedient for promoting the end of theſe conferences, that the Scottiſh commiſſioners ſhould attend in perſon on his Caſtilian majeſty at Berwick, which they agreed to, upon ſufficient pledges being given for their ſafety.

maintain the peace both with Scotland and France, and is the true reaſon of the great condeſcenſion he at this time ſhewed to the Scots. Robert Stewart, K. of Scotland. A. D. 1381.

The duke of Lancaſter and earl of Carrick met at Ayton, on the day appointed by the aſſurance concluded at Berwick. As the great object of this congreſs was to inquire, whether, and by whoſe fault, the truce between the kingdoms, concluded by the two late kings, had been violated, the Scots were deſired to declare the articles in which they judged it to be broken, and alſo their opinion concerning the moſt equitable manner of taking cognizance of the alleged breaches. The Scots, in anſwer to the firſt requiſition, confined themſelves to the many notorious encroachments which they affirmed had been made on the liberty of trade in England, which, by an expreſs article in the truce, was allowed them. To this infringement they reſerved the liberty of adding others, when the manner of trying them ſhould be fixed: and as to this, they propoſed that the ſeveral articles of violation ſhould be tried, according to the nature and weight of each, by a jury ſworn of perſons, equal in number and condition, choſen out of each nation. The Engliſh declared, that if there were any ſuch breaches of the truce, they were not made by their fault; and that they were ready to redreſs them to the utmoſt of their power. But as to the matter of cognizance propoſed, they objected to it, as unuſual in ſuch high matters, and as derogating from the majeſty of kings, to ſubmit ſuch points to the determination of their own ſubjects. They propoſed, therefore, to refer the matters in queſtion to the arbitration of ſome ſovereign prince, which, they affirmed, was often practiſed in like caſes. To this propoſal, the Scots objected the inconveniency of attending in a foreign country the proſecution of ſuch an appeal; the diſhonour of ſeeking juſtice abroad, as if they were incapable of diſcovering it themſelves; the difficulty of finding a prince equally agreeable to both, and the hazard of a foreign power founding a claim of ſuperiority and reſort on an appeal of this nature; a danger perhaps little to be dreaded by the Engliſh, becauſe of their great power, but to which the weakneſs of the Scots too evidently expoſed them. Theſe diſcuſſions being carried on in a ſucceſſion of days after their firſt meeting, they at laſt came to an agreement at Abcheſter, near Ayton, on the 18th of the month, that the aſſurance ſhould be continued until Michaelmas following, as had been concluded before at Berwick, and from thence till Candlemas 1384; and that on the firſt of July 1383, the duke of Lancaſter and earl of Carrick, or in room of theſe, if lawfully hindered, the ſecond in dignity after them in each nation, ſhould hold another march-day at Lyliot's-croſs, in order to try again to determine the matters in debate between the two nations.

While the duke of Lancaſter was thus employed in the borders, the mob in the counties near London made that dreadful inſurrection ſo famous in the Engliſh hiſtory, and which brought ſudden deſtruction on many of the chief men of the kingdom. There was no perſon among theſe more hateful to the rabble than the duke of Lancaſter, whom they regarded as the chief author of their oppreſſions. They laid in aſhes his palace of the Savoy, and had he been within their reach, he muſt have fallen a victim to their fury. Theſe circumſtances, probably unknown to the Scots, at leaſt much better known to the

Richard II. K. of England.

1381. Rym. vol. vii. p. 314.

the duke, made him very condeſcending in the courſe of this treaty *; and as an additional mean of gaining their favour, he gave them his obligation, that the annual payments of king David's ranſom ſhould be reſpited during the continuance of the aſſurance. If the duke was by this conduct conſulting his own ſafety, it muſt be allowed, that his meaſures were at the ſame time ſalutary to his country. For an invaſion of the Scots, in the preſent diſtreſs of England, muſt have been extremely formidable; as the confuſions in England were not quieted till ſome time after the concluſion of this aſſurance; and as the duke had not only the fury of the commons, but the ſpite of ſome of the nobles to contend with. He choſe to make Scotland his ſanctuary; and having received letters of ſafe-conduct and protection from the Scottiſh king and his nobles, he went to Edinburgh, where he reſided until he found he could return with ſafety to his own country. During his diſtreſs from the commo-

K. K. Col. 2642.

tions of England, the earl of Northumberland had treated him diſreſpectfully; and as he was upon his return, a freſh provocation was given him from the ſame quarter. Northumberland, by virtue of his commiſſion and inſtructions, as lord warden of the marches, had forbidden Sir Matthew Redman, captain of Berwick, to allow any coming from Scotland to enter that place. By this injunction Redman thought himſelf obliged to deny the duke of Lancaſter and his retinue the liberty of paſſing through Berwick. The duke, greatly incenſed, complained to the king. The earl no leſs boldly defended every part of his conduct †. They both came to a parliament that met in the beginning of November, accompanied with great numbers of their armed attendants; and it was not without much difficulty that the king compoſed their quarrel, by prevailing with the earl to aſk the duke's pardon.

A. D. 1383. Rym. vol. vii. p. 403.

At the time agreed upon at Abcheſter, the duke of Lancaſter and earl of Carrick came again to the borders. They met at Lyliot's-croſs, and continued their conferences at Morehouſlaw, from the 2d to the 12th of July. They were principally employed in redreſſing the infringements, which had been made on each ſide, of the aſſurance concluded two years before. During that interval, the Scots had attacked the caſtle of Wark, and demoliſhed ſome part of it. It was now agreed, that ſix gentlemen of figure, choſen out of each nation, with the advice of proper artificers and others, who had formerly been acquainted with the building, ſhould preſent upon oath a juſt eſtimate of the ſum requiſite to repair the damage it had ſuffered; and that the earl of Carrick ſhould cauſe that ſum to be paid to the king of England's chamberlain, in the caſtle of Roxburgh, within three months after the date of the preſent agreement. In the inſtrument drawn up on this occaſion, the other

* It may perhaps be regarded as a mark of Lancaſter's temporiſing, that in this treaty with the prince of Scotland, he does not aſſume his title of king of Caſtile, but contents himſelf with that of duke of Lancaſter.

† There is in the public acts an order from the king, dated 5th July, to the earl of Northumberland, to raiſe, in concert with the duke of Lancaſter, a ſufficient body of armed men for the ſecurity of the duke's perſon againſt the malice of his enemies, in his way towards the king; and the earl himſelf is charged to accompany him. Rymer, vol. vii. p. 319. An order of the ſame kind is given to lord Neville.

breaches

breaches of the aſſurance are only mentioned in general, and ordered to be examined into and repaired with all convenient expedition, by the ſeveral wardens *. And as to the other queſtions about the violations of the principal truce and manner of redreſſing them, formerly agitated at Ayton, the duke of Lancaſter declares, that he adheres invariably to what he there propoſed. It was farther agreed, that the aſſurance ſhould continue inviolate till the Candlemas following. And as it was declared in the original deed of the preſent truce, that it was entered into, in the hope of ſettling a full peace, it was agreed, after various conferences on this ſubject, that the king of Scotland ſhould inform the king of England, by a letter to be delivered at Roxburgh before the 8th of Auguſt next, whether it was his pleaſure that a treaty of peace ſhould be held in England; and upon his conſent thus ſignified, it was agreed on the part of the king of England, that he ſhould certify the king of Scotland by a letter, delivered at Melroſe before the 8th of September, concerning his pleaſure in that matter; and alſo where he intended to aſſemble his parliament: and in caſe of their mutual agreement to proceed to a treaty, the king of Scotland ſhould ſend his ambaſſadors with full powers and inſtructions to the place of meeting of the Engliſh parliament, which the Engliſh king was to call before Martinmas.

Robert Stewart, K. of Scotland. 1384.

Theſe appearances, however, of a diſpoſition in the two nations to reſtore peace, were without effect, and any profeſſions of ſuch a diſpoſition on the part of the Scottiſh king even appear to have been deluſive; for on the 20th of Auguſt he ratified by his oath, at Edinburgh, a treaty lately concluded with Charles VI. king of France; whereby the latter became engaged to ſend an aid both of men and money into Scotland, when that nation ſhould enter into an open war with England. As ſoon therefore as the truce expired, the Scots renewed hoſtilities, and recovered in February the caſtle of Lochmaben, which had been long in the poſſeſſion of the Engliſh. The loſs of Lochmaben made the latter anxious to provide Roxburgh with all things neceſſary for its defence, and to intruſt it to the keeping of an able captain. But as Grayſtock, who was appointed to that charge, was upon his way to the caſtle, with a convoy of ammunition and proviſions, and alſo a great quantity of valuable goods, and furniture of his own; the earl of March attacked the incumbered train from an ambuſh, and made an eaſy prey of Grayſtock himſelf, and all that he carried along with him. About Eaſter, the duke of Lancaſter invaded Scotland, and embraced the opportunity he had given him of ſhewing his gratitude for the hoſpitable reception he had met with at Edinburgh three years before, by ſparing that city when he had it in his power to deſtroy it. Hard weather, and ſcarcity of proviſions, obliged him ſoon to return to England; and he was ſcarce gone, when the earl of Douglas took ample revenge by

Rym. vol. vii. p. 406.

A. D. 1384. Buchan. l. 9. p. 169. Rud. Edition.

* The lord Neville appears, at this time, to have been the warden of the eaſtern march on the ſide of England. He, and the earl of March, or others named in their ſtead by the duke of Lancaſter and earl of Carrick, who acted at theſe meetings as lieutenants, and ſpecial commiſſioners of the two kings on the borders, are appointed to meet at Billy-mire, on the 25th of Auguſt, in order to ſettle mutual reparations of the breaches of the aſſurance.

Richard II. K. of England.

1384. April 23. Rym. vol. vii. p. 425.

attacking the Engliſh border, and is particularly ſaid in this expedition, which was the laſt of his life, to have driven the Engliſh out of Tiviotdale, and to have recovered all the places of ſtrength which they had held there ever ſince the battle of Durham, Roxburgh only excepted. Before Lancaſter left the North, he entered into a contract with Henry Percy, earl of Northumberland, whereby the latter obliged himſelf to reſide on the marches for their government and defence; and was impowered by Lancaſter, acting in quality of the king's lieutenant on the marches of Scotland, to levy and array the forces of the northern counties, in order to repel any invaſion of the Scots. As a reward for himſelf, and a fund for maintaining garriſons in the town of Berwick, and other caſtles of Carliſle and Roxburgh, for the ſpace of ſix weeks, he was to receive 4000 *l.* He had alſo power to put men into the caſtles of Norham and Wark, at his diſcretion, reſerving the * tower or keep to the government of the lord or conſtable of theſe places. Soon after, a truce was concluded between France and England in the neighbourhood of Bologne, wherein the Scots were comprehended as the allies of France. But the borderers taking advantage of a delay in intimating this comprehenſion to the king of Scotland, made mutual incurſions under their ſeveral chieftains. Theſe hoſtilities, however, were interrupted for a while by a truce agreed to at Ayton †, by commiſſioners from the kings of England and Scotland. This truce was, agreeably to the terms of that before concluded in France, to continue until the firſt of October at ſun-riſing, and by a ſubſequent meeting of commiſſioners from all the crowns at Boulogne in September, was prolonged till the firſt of May in the following year.

Rym. vol. vii. p. 434.

Walſ. p. 311.

In the time of this truce, and about the end of the year in which it was concluded, the caſtle of Berwick was ſeized by the Scots; being betrayed into their hands for a bribe, by its deputy governor under the earl of Northumberland. The news of this event arriving at London, during the ſeſſion of a parliament, which met in November, the duke of Lancaſter improved it againſt the earl, with whom he was ſtill at variance. By the procurement of the duke, Northumberland was accuſed of treaſon before the parliament, found guilty, and forfeited. All this was tranſacted in the earl's abſence, who had not obeyed the ſummons given him to the parliament; judging his preſence more neceſſary near the marches for the defence of his country. His behaviour there, ſoon recovered him from the ruin with which he was threatened. For, as ſoon as he was informed of the caſtle being in the hands of the Scots, he aſſembled a great force in order to reduce it; but the ſeverity of the ſeaſon making it difficult to regain it by a ſiege, he followed the example that had been lately ſet him by his enemies; and the Scottiſh garriſon, beſides the ſafety

* *Dongeon* in old French, the language of this inſtrument, the ſame as *Donjon* in more modern ſtyle.

† The commiſſioners who met in the church of Ayton were, John biſhop of Durham, John Neville lord of Raby, and maſter John Waltham ſubdean of York, for the king of England; and John earl of Murray, Archibald Douglas lord of Galloway, James Douglas lord Dalkeith, Thomas Erſkine, and maſter Duncan Little provoſt of St. Andrews, for the king of Scotland. Rymer.

of

of life and limbs, having received from the earl the ſum of 2000 merks, ſurrendered the fortreſs into his hands. This opened a way to his obtaining the king's pardon, notwithſtanding the oppoſition of the duke of Lancaſter. The king, in the plenary remiſſion granted to him, takes notice, that the caſtle of Berwick, ſince his acceſſion to the throne, had been twice in the hands of the Scots; but that the loſs of it had happened without fault of the earl, and that he had recovered it each time with great labour and expence. For which reaſon the king pardons the crimes wherewith he was charged, with all their penalties and forfeitures, and reſtores him to all his honours, and all his poſſeſſions, whether held in his own right, or in that of his conſort Maud de Lucy.

Robert Stewart, K. of Scotland, 1384

Rym. vol. vii. p. 463.

Soon after the expiration of the truce between the kingdoms, John de Vienne admiral of France, in fulfilment of the treaty between the French and Scottiſh kings, made two years before, arrived in Scotland, with about two thouſand auxiliaries, and 50,000 livres in gold. The king of England, in order to repel the efforts of the Scots and their allies, which were rendered the more formidable by the French meditating at the ſame time an invaſion by ſea (from Sluys in Flanders), marched in perſon into Scotland at the head of a very numerous army. The French admiral, agreeably to the inſtructions he had brought from home, preſſed the Scots to give their enemies battle. When other obvious arguments againſt this did not avail, the earl of Douglas carried the Frenchman to an eminence, from which he had a view of the Engliſh army on its march: ſeeing the vaſt diſproportion of ſtrength, he did not farther inſiſt on what he had before propoſed; but concurred in the methods, ſo often ſucceſsfully practiſed by the Scots, of diſtreſſing their enemies, and diſappointing their moſt formidable efforts. The Engliſh advanced through a country deſerted by its inhabitants, who had carried with them to their inacceſſible retreats, every thing neceſſary for the ſubſiſtence of an army; and the number of the invaders was ſo great, that the fleet which attended them, and from which they drew all their ſupplies of proviſions, was ſoon exhauſted of its ſtores; ſo that Richard in a ſhort time found himſelf under a neceſſity of returning homewards, after loſing, by famine as well as by the ſudden attacks of the flying parties of Scots, a conſiderable number of his forces. Great devaſtations however were committed on the country. Edinburgh was burnt, and alſo the abbey of Melroſe *. Mean while the Sots under the earls of Fife, March, and Douglas, croſſing the weſtern border, plundered and laid waſte the country as far as Newcaſtle, and are ſaid to have taken and demoliſhed the fortreſſes of Wark, Ford, and Cornhill. By this the return of the Engliſh was alſo haſtened, in order to defend their own country,

A. D. 1385. Buchan. l. 9. p. 170.

* The king, as an indemnification to the abbot and convent of Melroſe, for the deſtruction and burning they ſuſtained at this time, made them a grant, four years after, of two ſhillings on each ſack of wool of the growth of Scotland, to the number of one thouſand ſacks, that they ſhould ſend to be exported from the town of Berwick upon Tweed; which two ſhillings was to be allowed out of the cuſtom due to the king, for each ſack, by the collectors of the cuſtoms of his wool, hides, and woolfells, in the port of that town. This grant is made at Weſtminſter, October 15, 1389, about a month after the king had aſſumed the adminiſtration of the kingdom into his own hands. Rym. vol. vii. p. 646.

Richard II. K. of England. 1385.

but the Scots had ſtill the addreſs or agility to avoid a rencounter with their adverſaries, and carried home in ſafety the great booty they had gained. As the ſeaſon was not far ſpent when the Engliſh army left the country, the Scots reſolved to attempt the reduction of Roxburgh, in which they expected great aſſiſtance from the ſuperiour ſkill and practice of their French auxiliaries in conducting ſieges. But in the progreſs of this enterpriſe, the diſcords, which on ſeveral occaſions had formerly ariſen between the forces of the two nations, came to an height. For the French pretending, that the town and caſtle when taken ought to be delivered up to them, and to become the property of their maſter, as a juſt return for the great expence he had been at in ſending them over, and for the ſervices to be performed by them in carrying on the ſiege; and the Scots ſhowing a juſt reſentment againſt ſo arrogant and tyrannical a claim; the ſiege was abandoned: and the French ſoon after returned to their own country, with many complaints of the barbarity of their ancient allies. A great multitude of thoſe on whom they had committed extortions, aſſembled to hinder their embarkation, until they ſhould make compenſation for the damage they had done; nor were they ſuffered to ſail till their leader conſented to ſtay behind, in order to make the reparations required. Some French writers aſcribe theſe diſſenſions to the gallantries of the admiral and his officers with the Scotch ladies, which were no leſs provoking to the king and his nobles, than their inſolence and rapacity were to the common people.

Juvenal des Urſins, le gendre.

A. D. 1386. Rym. vol. vii. p. 526.

Hoſtilities, without producing any remarkable effect, were continued on both eaſt and weſt borders, until the middle of ſummer in the following year, when a truce was concluded, at a meeting held at Billy-myre, between the earls of March and Douglas, wardens of the eaſt march of Scotland, and lord Neville warden of the eaſt march of England. This truce was to continue till the laſt day of May *, in the following year, at ſunſet; and though it chiefly regarded the peace of their own diſtricts, which, during that time, they engaged to maintain inviolate; yet they mentioned in it a meeting of commiſſioners from both kingdoms, to be held at a place fixed by the wardens, about the middle of the next month of March, to treat of a peace or long truce between France and Scotland on the one part, and England on the other. In this truce are particularly comprehended the garriſons and inhabitants of the caſtle and town of Berwick, and thoſe of the caſtles of Roxburgh and Jed, who were allowed not only to have a free and undiſturbed communication with England, but alſo to purchaſe neceſſaries in Scotland, within the diſtance of two miles to the weſt and north of them. For the greater ſecurity of this truce, the lord Neville granted his protection to the inhabitants of Tiviotdale; but thoſe of Jed-Foreſt were declared to be comprehended in the truce itſelf. It was alſo agreed, that the poſſeſſions which were held by the king of England and his lieges in the ſheriffdom of Berwick, at the expiration of the truce of fourteen years (that is in 1383), ſhould continue as they were at that time. Theſe particulars ſerve to ſhew the ſtate of the eaſtern part of the Scots border at this period. The only places of ſtrength retained upon it by the

* That is, till the end of ſeed-time; it was afterwards prolonged to 19th June. Ib. p. 583.

Engliſh

Engliſh were, Berwick, Roxburgh, and Jedburgh. They retained alſo ſome part of the county of Mers; but as Tiviotdale had been recovered from them only two years before by the earl of Douglas, the Engliſh warden ſtill conſidered the inhabitants as a ſort of rebels, and would only conſent to give them a protection. Robert Stewart, K. of Scotland. 1386.

On the expiration of this truce, the Scots made a ſucceſsful inroad over the weſtern march; but nothing of that kind is recorded as having happened on the eaſtern. On the contrary, towards the end of the year, the earl of March appears to have been in a ſtate of peace with his neighbours, by his having obtained a ſafe-conduct from the Engliſh king to enter his kingdom with a hundred horſemen in his train, and to remain there for half a year. But this period was ſcarce expired, when the earl, with his brother John earl of Murray, and James earl of Douglas, at the head of 3000 men, entered England over the eaſtern border; while the earls of Fife and Strathern, ſons of the king of Scotland, invaded it on the other ſide with a numerous army. The Scots had little reſiſtance to apprehend in this invaſion; the Engliſh being fully occupied by the civil diſſenſions between king Richard and his parliament. But though the greater army of Scots carried on their devaſtations without oppoſition, yet the ſmaller body met with a formidable army to encounter on their return. For while, inſtead of purſuing their march homeward with the rich ſpoils they had amaſſed in the county of Durham, they were making an unſeaſonable ſhow of proweſs, by attacking ſome ſmall caſtles that lay in their way; they were ſuddenly attacked in their camp near Otterburn, in Ridiſdale, on a ſummer evening, by Henry, ſirnamed Hotſpur, lord Percy, and his brother Ralph, at the head of an army almoſt thrice as numerous as that of the Scots. In this battle, fought chiefly by moon light, after extraordinary feats of valour performed on both ſides, the Engliſh were at laſt defeated, and both the Percys were made priſoners *; but earl Douglas, the principal leader of the conquering ſide, and to whoſe valour the victory was chiefly owing, was ſlain in the field of battle †, after having penetrated through the thickeſt ranks of his enemies. Sir Matthew Redman, governor of Berwick, was pre-

A. D. 1387. Dec. 12. Rym. vol. vii. p. 565.

A. D. 1388. Buchan. l. 9. p. 173, 174.

Aug. 5. Fordun. Froiſſard, vol. iii. c. 125, 126, 127, 128, 129.

* Harding ſays, that Henry was led to Dunbar,
Henry was taken there anone,
To Dunbar led, for whom was made great mone.

† The principal perſons ſlain on the Scottiſh ſide, beſides the earl of Douglas, were, the earl of Menteith, Sir D. Scott, Sir Walter Steward, Sir James of Agurſtone, Sir Charles Murray, Sir Hugh Maxwell: on the Engliſh ſide were ſlain, Sir John Fitz-hugh, Sir James Harbottle, Lovell the earl of Northumberland's ſtandard-bearer. Old Song, Battle Otterbourne, in Dr. Percy's Reliques, vol. i.

Barry, a canon of Glaſgow, who writes a long account of this expedition in monkiſh verſe, publiſhed in the continuation of Fordun, ſays, that beſides earl Douglas, there fell in this engagement, Robert Harte, John Towers, knights, William Muſhet de Monte-fixo, Simon Glendonwyn, a young gentleman of the name of Glenſtan, and another called Wedderburn. He does not mention who were ſlain on the Engliſh ſide.

Many readers will think the account of this expedition into England, and of the battle of Otterburn, ſhort and imperfect. Buchanan gives a circumſtantial and very elegant account of both. But as moſt of the particulars related by him and Froiſſard, are not to be found in the continuator of Fordun, nor in the Engliſh hiſtorians, the author probably did not think them worthy of credit, and for that reaſon has not inſerted them in his hiſtory.

Richard II. K. of England.

1388. Buchan. l. 9. p. 175. Froiſſard.

ſent in this battle. As he was flying from the field with the reſt of the ſcattered hoſt, he was ſingled out by Sir James Lindſay, one of the purſuers, who, from the beauty of his armour, judged him to be ſome perſon of great eminence: after being purſued for three miles, and finding his horſe ſpent with fatigue, and that it would be impoſſible for him to eſcape, he alighted, and bravely waited on foot the approach of his purſuer; Lindſay, in an inſtant, put himſelf in the like poſture; a fierce conflict enſued, wherein the Scotchman, having better armour than his antagoniſt, prevailed; and Redman, having ſurrendered himſelf a priſoner, obtained leave to depart, on giving his oath, that he would return to the victor in twenty days. This was an uſual practice among the borderers, which mutual conveniency had taught them; and nothing was held more infamous than a violation of faith in ſuch caſes. An opportunity was ſoon afforded Redman, of ſhewing his gratitude to his generous adverſary; for Lindſay, after diſmiſſing his captive, having perceived at ſome diſtance a great body of armed men, rode ſtraight up to them, not ſuſpecting that they were enemies; they were, however, the forces of the biſhop of Durham advancing too late to the aſſiſtance of Percy. Lindſay, having approached too near to make his eſcape, became their priſoner, and was carried to Newcaſtle; there he was found out and known again by Redman, who treated him with great humanity, and diſmiſſed him free to his own country *. So ſtrangely was the ferocity of theſe warriors blended with generoſity and good faith; and indeed, were it not for the mixture of theſe oppoſites, war would ſoon deſtroy its own reſources.

A. D. 1389. Rym. vol. vii. p. 622.

Hoſtilities ſtill continued on the borders, but without producing any memorable event; until an interruption was given to them by a three years truce, concluded at Lelinghen, between England and France, wherein the allies of theſe powers were, as uſual, included. The ambaſſadors, who were ſent from France, to inform the king of Scotland of this truce, found a great army prepared to invade England. The king of Scotland, now broken with age, and deſirous of an interval of quiet, very readily entered into the meaſures of his ally. But his own authority, joined to that of his nobles, had much ado to hinder a mutiny in the army, who, by being diſmiſſed to return to their homes, conſidered themſelves as defrauded of the ſpoils of the Engliſh, which they made no doubt of gaining in the intended expedition.

Robert III. K. of Scotland. A. D. 1390. April 19. July 16.

Robert, the king of Scotland, died the year following; and was ſucceeded by his eldeſt ſon, John earl of Carrick, who, on his aſcending the throne, aſſumed the name of Robert, and is known in the catalogue of Scotch kings by the name of Robert III. Soon after his acceſſion, he ſwore to the obſervation of the late truce, in the preſence of deputies from the king of England †. This truce was by different prorogations extended to Michaelmas

* Either this is a miſtake, or Lindſay had ſoon after been made a priſoner anew. At leaſt, there is an order of king Richard, with advice of his great council, to Henry Percy earl of Northumberland, not to diſmiſs Sir James Lindſay, who had been lately made a priſoner, either for pledge or ranſom, until he received farther orders from the king and his ſaid council. Rym. vol. vii. p. 607. This order is dated 25th of September, at Cambridge, where the king held a parliament after harveſt. Walſ. p. 335. (ap. Tindal's notes on Rapin.)

† Theſe were, Gerard Heron and John Mitford.

1398. So long a ceſſation from war was in a great meaſure owing to the weak and diſtracted domeſtic ſtate of the three nations of France, England, and Scotland; ariſing from the frenzy of Charles VI. of France, the incapacity of Richard of England, and his fooliſh attachment to favourites, and the infirmity of the Scotch king both in body and mind, which rendered him obnoxious to the ambition of his brother the earl of Fife; whoſe great object was to ſupport himſelf in the management of all public affairs. The turbulent ſpirits in theſe ſeveral countries, not ſufficiently checked by the ſupreme authority, and wanting their favourite occupation of war with their neighbours, exhibited many violent ſcenes of faction and ſedition at home. It was no doubt the reſult of ſome quarrel with the adminiſtration in Scotland, though the particulars of it are not known, that induced the two great border-chieftains of Scotland, the earls of March and Douglas, during the time of the above-mentioned truces, to enter into treaties with the king of England for giving and receiving aid, and by which they were to engage to pay him certain ſervices during their lives. The commiſſion iſſued by the king of England, to negociate ſuch treaties with thoſe earls, is ſtill extant, though it is not known to what iſſue they were brought.

Robert III. K. of Scotland. 1390.

A. D. 1393. Rym. vol. viii. p. 755.

Three years after, king Richard married for his ſecond wife Iſabella, daughter of the king of France, a child of ſeven years old. The treaty for this marriage was accompanied with a prolongation of the truce between the kingdoms for twenty-eight years after the expiration of its preſent term; but though the Scots were, as uſual, comprehended in this truce, yet it does not appear that they accepted of it; and their rejecting a truce of ſo long a duration, was more agreeable to the political maxims which in thoſe times directed their conduct towards England.

A. D. 1396.

The laſt prorogation of the truce of Lelinghen was ſtill ſubſiſting, when an agreement was made at Dunfermling, between the two ambaſſadors of the king of England, then attending the Scottiſh court, and four commiſſioners appointed by the king of Scotland to treat with them, that a day ſhould be held on the 11th of March next enſuing, at Reading Burn, Carham, or Hauden Stank, places at a ſmall diſtance from each other on the eaſtern march, where the earl of Carrick having joined with him in commiſſion, a biſhop, an earl, a baron, two clerks, two knights batchelors, and a ſquire, on the part of Scotland, ſhould meet with the duke of Guyenne and Lancaſter, and an equal number of joint commiſſioners of the ſame rank on the part of England, who, by virtue of full powers from each king, ſhould redreſs, and cauſe to be redreſſed, all violations of the truce of Lelinghen, and of thoſe ſubſequent to it. Theſe ambaſſadors and commiſſioners at Dunfermling farther agreed, that ſtrict peace ſhould be kept by ſea and land, betwixt the two nations, until the day appointed for this meeting, and forty days after, under the penalty of inſtant reſtitution of double the value of all damages done, and alſo of the tranſgreſſor incurring the ſame forfeiture to his king, as if he had broken his ſafe-conduct. And in order to prepare matters for a clear and ſpeedy deciſion, it was farther agreed, that all ſubjects of Scotland, plaintiffs againſt thoſe of England, ſhould ſend indented bills of their complaints to the caſtle-

A. D. 1397. Oct. 2. Rym. vol. viii. p. 17.

Richard II. K. of England. 1397.

caſtle of Roxburgh, to be delivered to the lieutenant or conſtable of that fortreſs, who ſhould receive and tranſmit them to the wardens or their deputies; that theſe latter might cauſe warning to be ſent to the perſons complained of, to find ſureties for making their appearance before the lords commiſſioners at the time and place before mentioned; and that plaintiffs belonging to the kingdom of England ſhould, in like manner, and for the ſame purpoſe, ſend indented bills of their grievances to the abbey of Kelſo, to be delivered there to the abbot or his ſexton ‡. It was alſo agreed, that, if it pleaſed the wardens of the marches, all priſoners taken on each ſide during the truce, ſhould, within eighteen days from the date of the preſent treaty, be bailed until the march-day now appointed, when the lords commiſſioners ſhould determine with regard to them: and the wardens, or their deputies, were to give mutual intimation of their pleaſure in fourteen days; and if they agreed to the bailing of priſoners, whoever ſtood out againſt it ſhould loſe his action, and forfeit for ever the ranſom of the priſoner he detained. In concluſion, it was agreed, that mutual reſentments, ariſing from the riots by which the truce had been infringed, ſhould be no hinderance to the peace and ſecurity of paſſing to and attending the meeting now appointed.

A. D. 1398. Rym. vol. viii. p. 35.

In purſuance of this treaty, David earl of Carrick, eldeſt ſon of the king of Scotland, accompanied by his uncle Robert earl of Fife, Walter biſhop of St. Andrews, David lord Lindſay, and other deputies and commiſſioners from the Scottiſh king, met on the day prefixed at Haudene-Stank, with John Duke of Guienne and Lancaſter, eldeſt of the ſurviving ſons of Edward III. and firſt prince of the blood in England, accompanied by John biſhop of St. Aſaph, Thomas earl of Worceſter *, William earl of Wilts, and

March 16.

other deputies and commiſſioners from the king of England. On the fifth day after, an indenture or ordinance was drawn up, containing the articles they had concluded in the courſe of their conferences. Theſe articles begin with the appointment of three knights and a ſquire on each ſide, as deputies for the execution of the points agreed on †. The firſt of them is, that the truce then ſubſiſting be punctually kept in all its articles, until the Michaelmas enſuing; and if any caſtle or fortreſs had been built in breach of the preſent truce, it ſhould be immediately demoliſhed, and thoſe who erected it puniſhed as the truce required. It was farther ordained, that all who occupied houſes or lands in the neighbourhood of the caſtles of either nation, ſhould faithfully pay and perform the duties appointed by the truce now in force; and where debates aroſe betwixt the captains of the caſtles and ſuch occupiers, they ſhould be determined by the conſervators of the truce or their deputies,

‡ *Segiſtayne*, in the original treaty; the ſame as *ſegerſtayn* or *ſacriſtain*.

* Sir Thomas Percy, brother to the earl of Northumberland, had been created earl of Worceſter, in the parliament held in the preceding September, commonly called the *Great Parliament*, in which the Duke of Glouceſter, with the earls of Arundel and Warwick, were condemned as traitors for the rebellious meaſures they had taken, to limit the king and puniſh his favourites, in 1386, 1387, 1388.

† Thoſe on the part of England were, Gerard Heron, Thomas Gray of Horton, knights, and John Mitford; and on the part of Scotland, William Lindeſay, William Steward, John Ramorgny, knights, and Adam Forſter, or Forreſter.

agreeably

agreeably to the tenour of the truce, in three months after due requiſition made by either party; or ſooner, if circumſtances allowed. All priſoners of the one or other ſide, made ſince the beginning of the truce, were appointed to be inſtantly and freely diſmiſſed; and what they had paid, either in part, or in full, of their ranſoms, was ordered to be immediately reſtored. With regard to all other injuries and damages, the deputies were ordered to cauſe reparation to be made; one complaint on either ſide, being ſucceſſively heard and redreſſed for one of the other; and they were enjoined to appoint reſtitution of the double, for damages done ſince the late indenture at Dunfermling, if required on either ſide; provided the like were made by the other. The commiſſioners alſo, by virtue of the full powers granted them by their ſovereigns, agreed, that the truce ſhould be prolonged from the Michaelmas next enſuing, to the ſame term in the following year. In concluſion, they ordained, that if, in breach of the preſent truce, any man ſhould be killed on the one or other ſide, the murderer ſhould be put to death; *becauſe he had committed the ſaid murder againſt the tenour of the truce which his lord and liege ſovereign had ſworn to obſerve.*

Robert III. K. of Scotland. 1398.

This treaty and ordinance of the lords commiſſioners was not ratified by the king of England until ſix months after. In the interval Sir John de Ramorgny and Adam Forreſter eſquire were ſent ambaſſadors to England from the Scottiſh king; by whoſe ſolicitations this ratification ſeems, not without difficulty, to have been obtained. Soon after granting it, the king of England commanded the indenture to be ſealed with the ſeals of his commiſſioners, and delivered at Kelſo on the 16th of October next enſuing; on condition of receiving the counterpart thereof, under the ſeals of the commiſſioners of Scotland. The execution of laws and treaties among ſuch a race of men as the borderers, enured for generations to rapine and deeds of violence, could not fail to be ſlow and difficult; and hence, notwithſtanding the ſtrictneſs of the late ordinance, and the high rank and authority of thoſe by whom it was framed, it appears to have been very imperfectly executed. In order to remedy theſe defects, and for the mutual redreſs of all grievances on either ſide, the king of England engaged to ſend two knights and a ſquire to Hawden-Stank, to meet, on Monday the 21ſt of October, with commiſſioners of the ſame number and rank from the king of Scotland. Thoſe commiſſioners were to be impowered to take cognizance of the faults of officers as well as others, and to appoint ſuch puniſhments and redreſs as the cauſe required. The preparatory meaſures for holding this day were ordered, much in the ſame manner as had in the preceding year been agreed upon at Dunfermling: and ſuch matters as the commiſſioners could not ſettle for want of ſufficient evidence, or any other cauſe, were to be delayed until the octaves of Candlemas; when the dukes of Lancaſter and Rotheſay, with proper attendants from each kingdom, ſhould be at certain places near the borders, in order to fix a march-day to be held by them ‡.

Sept. 22.

Rym. vol. viii. p. 45.

The

‡ Theſe particulars are taken from a paper in old French, publiſhed by Rymer, containing anſwers of the king of England to the requeſts of the Scotch ambaſſadors. It is dated October 8.

Richard II. K. of England.

1398. Rym. vol. viii. p. 54. Oct. 26.

The commiſſioners on the part of England at the meeting in October were, Sir John Buſſy *, Sir Henry Green, Maſter William Feryby clerk, and Laurence Drew eſquire; on the part of Scotland, Ramorgny and Forreſter, late ambaſſadors to England, and Sir William Borthwick. Theſe met at Hawden-Stank, probably on the day appointed; and after holding their conferences through the week, drew up a convention, dated on the laſt day of it, of which the following are the principal heads. The dukes of Rotheſay and Lancaſter having, at their meeting in March, ordained, that all priſoners made on both ſides ſince the truce of Lelinghen, ſhould be freely diſmiſſed, and that thoſe who had paid ranſom ſhould have it reſtored to them before Midſummer laſt; and it appearing that this ordinance was not yet fully executed, it was now agreed and appointed, that due and full obedience ſhould be given to it; ſo that thoſe who were ſtill detained priſoners, ſhould be ſet free before the feaſt of All-Saints; and ſuch as had paid ranſom, ſhould have it reſtored to them before Candlemas next enſuing: for the fulfilment of this, the earl of March, warden of the eaſt-march of Scotland, and Sir Henry Percy, warden of the eaſt-march of England, were mutually obliged by their letters, for their bounds lying oppoſite to each other. Sir Richard Rutherford, Sir William Stewart, Walter Scot, Thomas Turnbull, and Robert Lauder, became ſureties for the earl of Douglas's bounds of the middle march; and Sir Thomas Gray of Heton, Sir Thomas Gray of Horton, Robert Umfraville, and Thomas Knayton, for Sir Henry Percy's bounds of the eaſt march, which were probably thoſe that lay oppoſite to the bounds of the earl of Douglas before mentioned. Theſe ſureties mutually plighted their faith for delivery of priſoners and reſtitution of ranſoms within their limits; and the commiſſioners bound themſelves, in name of their ſovereigns, for priſoners and ranſoms that lay without the bounds of the marches. And, in caſe of priſoners being detained in contravention to the preſent ordinance, thoſe who detained them ſhould be compelled by the lords commiſſioners to be nominated by both kings, in manner after mentioned, at the meeting of theſe commiſſioners, not only freely to deliver their priſoners, but to indemnify them for the damage they had ſuſtained by their detention beyond the term limited by the preſent ordinance; and alſo to pay the lords commiſſioners the value of the priſoners ranſomed, as a fine for their diſobedience; and in caſe of ranſoms not being reſtored at Candlemas, thoſe who with-held them ſhould be obliged to refund them to the parties, and to pay double to the lords commiſſioners for their diſobedience. It was farther agreed and ordained, that all priſoners taken on both ſides, ſince the 16th of March laſt, ſhould be ſpeedily and freely delivered, with their horſes and harneſs, on condition of reſtoring

In the interval between this and the meeting in March, David earl of Carrick had been created duke of Rotheſay (the firſt duke created in Scotland). His uncle Robert earl of Fife was at the ſame time created duke of Albany.

* Buſſy was ſpeaker of the commons, in the parliament called the Great Parliament, held in September of the preceding year. He and Green were alſo two of the ſix commoners who, together with twelve peers, were by that parliament appointed commiſſioners for determining ſuch matters as the parliament had left undecided. Parliam. Hiſt. vol. i. p. 462. 492. They were both hanged at Briſtol, on the Revolution, in 1399.

Robert III. K. of Scotland. 1398.

the damages they themſelves did at the time of their being taken: and if any ſuch priſoners had been ranſomed, and their ranſoms paid in whole or in part, reſtitution ſhould be made before Candlemas, under the penalty of paying double, in the manner before appointed. Bailed priſoners alſo, and ſureties for ranſoms, were appointed to be freely diſcharged from their obligations to pay, or re-enter into cuſtody: an exception was made, under this head, of Adam Gordon, William Baird, and Adam French, for whom the Scots commiſſioners became bail; obliging themſelves, in name of their king, and under penalty of 3000 l. to preſent theſe offenders, *hale and ſound*, before the enſuing meeting of the lords commiſſioners of both realms, to undergo judgment in matters laid to their charge; and alſo, that they ſhould not violate the truce in the interval. And the reaſon aſſigned for exception of theſe men was, their being notorious truce-breakers; who, during the preſent truce, had done infinite miſchiefs, the cognizance whereof the preſent commiſſioners thought it beſt to leave to the great lords who were to ſucceed them. It was farther agreed and ordained, with regard to native Scots who had been received to the fealty of England, and dwelt on the marches of that kingdom, and Engliſhmen who had in like manner changed their dwelling and allegiance, that as theſe were charged by common fame with being the chief inſtruments of diſturbing the peace of both realms, there ſhould be no Scotchman admitted to the fealty of the Engliſh king, nor Engliſhman to that of the king of Scotland, until the lords commiſſioners aforeſaid ſhould report this article to the kings of each nation; and if approved by them, it ſhould be obſerved during the remainder of the truce: and in the mean time, thoſe Scotchmen who had been received to the fealty of England ſince the beginning of the truce, ſhould be obliged before next Candlemas to remove their dwelling to the ſouth of the river Tyne; and the Engliſhmen ſettled in the ſame manner on the Scottiſh borders, ſhould be obliged, before the ſame term, to remove their dwelling from the marches as far as Edinburgh. The commiſſioners (finding that many and great treſpaſſes had, ſince the beginning of the preſent truce, been committed on both ſides, which ſtill continued unredreſſed, and which at preſent they had not ſufficient leiſure to diſcuſs) agreed and appointed, that the wardens of the marches, in their own perſons, or by their deputies, ſhould hold days of redreſs each month†, wherein they ſhould proceed agreeably to the tenour of the indenture made at Hawden-Stank, in March laſt, ſuch bill of grievance, as pleaſed the party of England to preſent, being firſt diſcuſſed; and next one from Scotland, to be determined and redreſſed in the ſame manner. And if, through default or negligence of the wardens, or their deputies, any treſpaſs remained unredreſſed, the lords commiſſioners ſhould, before all other things, take cognizance of ſuch injurious delays, and inflict exemplary puniſhment on thoſe found guilty; and that the lords might have clear knowledge by whoſe default it had come to paſs that

† The wardens of the middle march, or their deputies, were appointed to meet at Gainliſpeth, on the day after Martinmas, and ſo on from month to month, at days and places which they themſelves ſhould fix. The wardens or deputies of the eaſt march were to meet on the Thurſday fe'ennight after the day of the preſent convention; their place of meeting not mentioned.

Richard II. K. of England. 1398.

redreſs was not made, the wardens or their deputies were appointed to record the tranſactions of each day's meeting. In caſe of any new exceſſes being committed, as carrying off or killing men, ſeizing of goods, burning of houſes, or taking caſtle or fortreſs, the wardens of the marches were appointed, as ſoon as required, to bring the offenders, if found within their bounds, to their trial by march-law; and whoever was convicted of ſuch treſpaſſes, was to be delivered up to the party injured, to ſuffer death or pay ranſom, at pleaſure of ſaid party. The garriſons of the caſtles were not to diſturb the inhabitants of the country, nor any man to trouble the garriſons, in purchaſing and carrying victuals and moveables to their caſtles; and the inhabitants of the country were to do and furniſh what was due from them to the caſtles, agreeably to the truce. For the fulfilment of the above articles, and other affairs concerning both kingdoms, it was agreed, that the duke of Rothelay, or ſome other great lord of the royal blood of Scotland, ſhould be at Edinburgh, and the duke of Lancaſter, or ſome other lord of the royal blood of England, ſhould be at Newcaſtle; each attended by ſuch council as the kings of each nation ſhould appoint; and upon a day in the enſuing ſpring-months, which ſhould be mutually certified before Chriſtmas, by each of the kings; and that from theſe places they ſhould interchangeably ſend meſſages to fix a day for their meeting, either at Hawden-ſtank, or any other place more agreeable to them. It being alſo a part of the charge of the preſent commiſſioners, to fix a day for the kings of each nation ſwearing to the obſervation of the preſent truce, as prolonged by the convention in March laſt It was agreed, that the king of Scotland ſhould give notice ‡ to the king of England, before Chriſtmas, on what day he might be found in a convenient place for the king of England ſending his envoys to witneſs his ſwearing to this truce, and for the Scottiſh king ſending to the king of England for the ſame purpoſe; and the reaſon aſſigned for this delay is, that the king of Scotland was at preſent occupied in places to which it would not be eaſy for the envoys of England to come into his preſence. The convention concludes with the uſual allowance, to follow ſtolen goods from the one realm into the other with hound and horn, which no perſon was to hinder under the pain of life and limb; and with an appointment, that damages, which had been already recovered before the wardens or their deputies, ſhould be paid before Candlemas next.

Oct. 28. Rym. vol. viii. p. 57.

The commiſſioners had another meeting at the ſame place, on the Monday following, in which, by virtue of the indenture made in March laſt, certain Scotch merchants, together with two knights, Sir John Hamilton of Cadyow, and another knight of the ſame name, of Finyngalton, who had been taken at ſea by the Engliſh, were freely delivered up, notwithſtanding the pretended accuſations brought againſt them; and alſo the ſhip in which they were taken, with its cargo, or the full value of both, was ordered to be reſtored. At the

‡ This notice having been accordingly ſent, Gerard Heron knight, and John Skelton eſquire, received a commiſſion, dated the 14th of January, to witneſs the king of Scotland making this oath. Rymer, vol. viii. p. 65. And the king of England made oath to the ſame effect, in preſence of Sir John Hamilton and Adam Forreſter eſquire. p. 69.

ſame

ſame meeting, Sir Philip Stanley, captain of Roxburgh, preſented a bill complaining of the ſon of the earl of Douglas, and ſundry men of his company, whereof Sir William Stewart was one, for having broken the bridge of Roxburgh, burnt and plundered the town, made a breach in their walls, and burnt their hay and fewel, amounting to the damage of 2000 l. Sir William Stewart, being preſent on the field, was compelled to make anſwer to this complaint; and his anſwer was, that the breaking of the bridge, and burning of the hay and fewel, were done by the order of his lord, who thought he might do them lawfully, notwithſtanding the truce, becauſe theſe things were the property of Scotchmen; yet he could not ſay whether or not it was altogether juſtifiable: but if the commiſſioners ſhould determine it to be a violation of the truce, due reparation ſhould be made. As to the burning and ſpoiling the town, he conſented to make redreſs; this having been done againſt the prohibition of his lord, and alſo againſt the truce. The commiſſioners having heard this anſwer, and judging the affair too high for their deciſion, referred it to the cognizance of their lords *.

Robert III. K. of Scotland. 1398.

The duke of Lancaſter, named in the convention at Hawden Stank, as the lord of the royal blood of England, who was to be ſent commiſſioner to the marches in the enſuing ſpring, dying in the beginning of February, the duke of Albemarle, ſon of the duke of York, and couſin-german to the king, was appointed to that office. With him were joined in commiſſion the biſhop of St. Aſaph, the earl of Saliſbury, and alſo Buſſy, Green, and Drew, the commiſſioners in laſt October. They had given them in charge, not only the buſineſs relating to the marches, aſſigned them by the late convention, but alſo to treat of a peace, or long truce, with the king of Scotland; and to endeavour to bring him to an agreement, to give no protection to the king of England's rebel ſubjects, but to ſeize and deliver them up to the king, or his wardens on the marches, on condition that the king of England ſhould treat in the ſame manner the rebellious ſubjects of Scotland. It was of the utmoſt moment for Richard to be in ſuch terms of peace and friendſhip with the king of Scotland, both on account of the diſcontents that prevailed among his ſubjects, and of the expedition he was about to undertake into Ireland. It is not however known, whether Albemarle and his fellow-commiſſioners did ever meet with the commiſſioners from the king of Scotland, or what was tranſacted between them. The period of the unfortunate Richard's reign was now faſt approaching. His couſin Henry duke of Hereford, returning with a handful of followers from his exile in France, and landing on the coaſt of Yorkſhire, under pretence of ſeeking the reſtitution of his father the duke of Lancaſter's eſtate, which after Lancaſter's death had been ſeized by the king, was ſoon joined by ſuch vaſt numbers, and had ſo great an advantage given him by Richard's abſence in Ireland, that abandoning all moderate views of redreſs, he openly aſpired to the crown. His way to it was rendered very eaſy by the powerful faction which the uncles of Richard had long maintained againſt him, and the

A. D. 1399. Rym. vol. viii. p. 69. 72.

* It does not ſeem clear, whether they meant the kings their maſters, or the lords commiſſioners who were to ſucceed them. The latter ſeems more probable.

Richard II. K. of England.

1399. Rym. vol. viii. p. 89. 95.

general diſguſts that had been given by the weak and arbitrary conduct of the king himſelf. Henry mounted the throne, vacant by the forced reſignation and parliamentary depoſition of Richard, the laſt of September. The two great chieftains of the northern marches *, Henry Percy earl of Northumberland, and Ralph Neville earl of Weſtmoreland, with their warlike followers, joined Henry ſoon after his landing, and were his principal aids in effecting this great revolution †.

* Harding ſays, That Henry Percy earl of Northumberland, and Sir Henry Percy his ſon, ſirnamed Hotſpur, were at that time *wardens of the march ſeverally*.

The ſame author relates, That the duke of Hereford ſwore upon the ſacrament before the Percies and Weſtmoreland at Doncaſter, that he would claim no more than his mother's heritage, and his father's and his wife's lands; and that the Percies having ſent their forces home, while Henry kept his, and thoſe of ſome of his friends with him, he was thereby enabled to ſeize the throne. Harding, p. 195, 196.

† In reward of their eminent ſervices, the earl of Northumberland was created conſtable, and the earl of Weſtmoreland marſhal of England for life, on the very firſt day of the king's reign; and the earl of Northumberland had ſoon after conferred on him the lordſhip of Man.

THE

THE

BORDER-HISTORY

OF

ENGLAND AND SCOTLAND.

BOOK VI.

THE truce between Robert III. of Scotland, and the late king Richard, expired juſt at the very time that Henry IV. mounted the Engliſh throne; at leaſt there is no evidence of its being prolonged beyond the Michaelmas of this year. The Scots, freed from this reſtraint, and encouraged by the confuſions in England, the abſence of the northern lords, and the peſtilence which then raged in theſe parts of the kingdom, made an inroad into it; where they took the caſtle of Wark, and after having held it for ſome time, abandoned and utterly demoliſhed it. They alſo committed great inroads in ſeveral other places of the country. While they were carrying on this work in Coquetdale, they were attacked by Sir Robert Umfranville *, the chief lord of that diſtrict, at a place called Fulhoplaw, in which conflict Sir Richard Rutherford and his five ſons were taken priſoners, alſo Sir William Stewart, John Turnbull, ſirnamed *Out with the Sword*, and many others. There was for ſome time a great appearance of their being powerfully ſeconded in theſe hoſtilities by the king of France, who was highly incenſed at the depoſition and impriſonment of his ſon-in-law. But the menaces of France, and plottings of his friends, ſerved only to haſten the fate of the unhappy Richard, who, about the beginning of the following year, was ſtarved to death in the caſtle of Pomfret. Soon after this event, the truce of twenty-eight years was confirmed by the monarchs of France and England; but the king of Scotland refuſed to be comprehended in it. A principal reaſon of this, according to the Scots hiſtorians, was the conduct of Henry, with regard to George Dunbar, earl of March; who, abandoning in diſcontent his native country, had entered into a treaty with the Engliſh king, and been received into his protection. This

Henry IV. K. of England. Robert III. K. of Scotland.

1399.

Walſing. p. 362. J. Stow, p. 324.

A. D. 1400. Jan. 6.

Rym. vol. viii. p. 145.

Ib. p. 132.

* This Sir Robert Umfranville is ſaid by Harding, in the preface to c. 198, to have been made knight of the garter, and captain of Roxburgh.

powerful

Henry IV. K. of England.

1400.

powerful chieftain was provoked to this defection by an injury and affront received from king Robert, in breaking off a match that had been concluded between his eldeſt ſon and the earl's daughter. The earl of Douglas, jealous of the aggrandiſement ariſing from this alliance to the family of his neighbour, and thinking his own better entitled to ſo high an honour, prevailed with the duke of Albany, who entirely governed the affairs of his weak brother, to have the contract between the duke of Rotheſay and the earl of March's daughter annulled, and his own daughter ſubſtituted in her place. It is alſo ſaid, that a ſum of money, that March had paid as part of his daughter's dowry, was iniquitouſly detained. The Engliſh king had appointed the earl of Weſtmoreland, and the abbot of Alnwick to treat with the Scottiſh earl in the month of March; and when the king was come to Newcaſtle, on his expedition againſt Scotland, the earl met him, in order to perfect his agreement with Henry himſelf. By an indenture drawn up in that place, the earl obliged himſelf to ſurrender, or renounce, all homage, fealty, and ſervice to Robert, pretended king of Scotland, before the 23d of Auguſt next: in conſideration whereof, the king, within that period, or two days after, engaged to grant, by his letters patent, to the earl, his wife, and their heirs male, an eſtate in Lincolnſhire, and an aſſignment on the cuſtoms of a town in that country, to the amount of five hundred merks a year, and alſo another manor for the earl's life *. In return for this grant, the earl obliged himſelf to perform liege homage and fealty, without exception, to the king of England; and within fourteen days, from the date of this agreement, if the king ſhould then be entering Scotland, to ſend his ſon Gawin † as an hoſtage to remain at his court. It was alſo agreed, that from the date of this contract, the ſubjects of the king of England ſhould ſupport (*a*) the earl in time of neceſſity; and in like manner ſhould be ſupported by him, and received into his caſtle of Dunbar, or other fortreſſes: and on the other hand, that the earl's men ſhould be ſent when neceſſary, to ſupply the garriſons of the caſtles of the Engliſh king in Scotland, and be received and ſupported (*b*) in theſe caſtles. When the earl of March went into England, he had committed his caſtle of Dunbar to the keeping of Robert Maitland of Lidington his nephew; but the king of Scotland being informed of March's perfidy, ſent the earl of Douglas to require the ſurrender of that caſtle: Maitland obeyed the ſummons; and March, on his return, finding his principal place of ſtrength in the hands of his rival, immediately retired into England with his wife, family, and friends. In conjunction with lord Percy, he ſought his revenge, by making inroads into the territories of Douglas; and, at the head of two thouſand men, theſe chieftains penetrated as far as Haddington. When they had ravaged the adjacent country, and collected much ſpoil, the earl of Douglas came ſuddenly upon them at Linton: alarmed by his unſuſpected approach, they abandoned both their prey and baggage; and betak-

Rym. vol. viii. P. 133.

July 25. Ib. P. 153.

(*a*) Suppowaile in orig.

(*b*) Suppowailet.

Buchan.

Ib. l. 10. c. 6.

* The caſtle and lordſhip of Somerton was the *eſtate*; the *aſſignment* was on the cuſtoms of St. Botolph; the *manor*, for the earl's life, was the manor of Clippeſton, in the foreſt of Shirewood.

† Gawin Dunbar was his third ſon. Crawfurd's peerage.

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ing themſelves to a precipitate flight, did not ſtop till they reached Berwick *.

Robert III. K. of Scotland.

1400.

The Engliſh king entered Scotland about the 8th of Auguſt, with a numerous army. Before he left Newcaſtle, he wrote letters to the king and prelates of Scotland, requiring them to meet him at Edinburgh on the 23d of Auguſt, in order to pay him liege homage and fealty. He alſo gave a commiſſion to three knights, and as many ſquires, to deliver theſe letters to the perſons to whom they were directed, if they could conveniently obtain acceſs to them; otherwiſe to read them publickly by way of proclamation at Kelſo, Dryburgh, Gedworth, Melros, and Edinburgh, and other public places of the kingdom. From the places mentioned in this commiſſion, it would ſeem, that Henry, in entering Scotland, took the road by Kelſo towards Edinburgh. His ſtay in Scotland was very ſhort; for he had come back to Newcaſtle in the beginning of September. Finding that there was no proſpect of bringing the Scots to a battle, having in vain attempted to reduce the caſtle of Edinburgh, which the duke of Rotheſay kept, and beginning to be diſtreſſed with bad weather and ſcarcity of proviſions, he returned to his own kingdom; having treated his enemies in the whole courſe of the expedition with remarkable lenity. This behaviour he affected to have aſcribed to his gratitude to the Scots, for their ſeaſonable hoſpitality to his father, in the time of Wat Tyler's rebellion; but the conſideration of danger, to which they were expoſed from domeſtic enemies, was a cogent motive with both father and ſon, to court the friendſhip of their formidable neighbours †.

Rym. ib. 155, 156.

Rym. ib. 159.

Henry perſiſting in his pacific views, and the Scots, it is probable, being ſoftened by the uſual lenity exerciſed in the late invaſion; a truce for ſix weeks was, on the 9th of November, concluded between the deputy wardens of the

Rym. vol. viii, p. 166, 167.

* The dates of the tranſactions of the earl of March with the king of England, as they appear in Rymer, are proofs, among many others, of the inaccuracy of the Scottiſh hiſtorians. They repreſent his expedition into Lothian, in company with Hotſpur, as ſubſequent to his caſtle being ſeized by orders of king Robert, and as happening in the month of February; whereas it appears from the indenture at Newcaſtle, that March was ſtill poſſeſſed of his caſtle, when he concluded his bargain with Henry. It is alſo plain, that he was reſiding in Scotland about the end of June, from a ſafe-conduct, dated at Pomfret on the 21ſt of that month, for his coming into England to a conference with the king. Rymer, ib. p. 149. The kings were ſtill treating at this time about accommodating their differences. John de Merton, archdeacon of Tiviotdale, and Adam Forſter had been envoys on this errand from the king of Scotland. They left Henry at York, on the 22d of June, and their ſafe-conduct, for ſeven weeks after that date, bears, that they propoſed to return upon the ſame progreſs to whatever place the king ſhould happen to be at in England. (Ibid.) Sir John Swinton, an eminent knight, within the territories of the renegado-earl, obtained, ſoon after, a ſafe-conduct for coming to the preſence of the Engliſh monarch. (Rymer, ib. p. 151). Henry and he either did not conclude a bargain, or Swinton (as is hinted in Stowe, p. 328.) had broke it; for the latter fell two years after in the battle of Homeldon, fighting on the ſide of the Scots.

† In this war, Sir Richard Rutherford and his ſons, and John Turnbull, ſirnamed *Out with the Sword*, as is related above, had been made priſoners. Henry gave an order, dated the 30th of October, to the earl of Northumberland, to command the Engliſh captains, or others who had taken the perſons above-named, together with ſome other Scottiſh captains and leaders of men at arms, whoſe names are not mentioned, not to ranſom or ſet free theſe priſoners without farther orders, under pain of the higheſt forfeitures. Rym. tom. viii. p. 162.

While Henry was in Scotland, Harding ſays, the Scots burned Bamburghſhire in Northumberland, both wardens being gone with the king, c. 200.

Henry IV. K. of England. A. D. 140..

marches. During the courſe of this, another truce was concluded at Kelſo on December 2:, by ſpecial commiſſioners from each king *, that ſeems to have continued all the following year. In this interval, the duke of Albany following the example of barbarous ambition, that had been lately given in England, famiſhed to death, in the caſtle of Faulkland, his nephew the duke of Rotheſay, apparent heir to the crown. In the neighbouring kingdom, Henry was employed, though with little ſucceſs, in quaſhing the inſurrection of Owen Glendower in Wales, which had begun laſt year, ſoon after his leaving Scotland.

Buchan. l. 10. c. 10.

A. D. 1402.

In the year following, hoſtilities began anew between the neighbouring kingdoms. The earl of March had, in the preceding ſummer, received from Henry a grant of the manor of Clippeſton, in the foreſt of Shirewood, as had been agreed in the indenture made at Newcaſtle. He had alſo, in fulfilment of the ſame contract, obtained an order to the wardens of the Engliſh marches and other officers, to admit himſelf, his men, and ſubjects †, into the caſtles, fortreſſes, and walled towns of the kingdom of England, or within the king's dominion in Scotland, with licence of remaining and withdrawing at their pleaſure; but under condition that they ſhould come into ſuch places in moderate numbers; and, at entering, engage themſelves by oath to a peaceable and faithful behaviour. In the ſpring of this year a farther grant was made to the earl of 400 l. a year, during the continuance of the war with Scotland, on condition of his finding twelve men at arms, and twenty archers on horſeback, to ſerve the king againſt the Scots. The earl's ſon, Gawin, was alſo retained in the king's ſervice, by a penſion of 40 l. a year during pleaſure. It ſeems probable, that ſome other Scotchmen were at that time diſpoſed to follow the example of March; for in a commiſſion given to the two Henry Percies, the earl of Northumberland and his ſon, and to Ralph Neville earl of Weſtmoreland, to treat with the king of Scotland, they are at the ſame time particularly empowered to receive into the king's protection and obedience, all manner of Scotchmen, who were inclined to ſubmit to him, and become his lieges.

Rym. p. 205.

Rym. vol. viii. p. 212.

March 13. Ib. p. 245.

April 17. Ib. p. 251.

Buchan. Holingſhed.

The earl of March and his followers, in conjunction with the Engliſh borderers, began, on the expiration of the truce, to infeſt the Scottiſh marches. In order to repel and revenge their depredations, Archibald earl of Douglas, who had the chief direction of military affairs in Scotland, ſent forth parties under different leaders and in different directions. Thomas Haliburton, lord of Dirleton, was one of theſe captains; who, having ravaged the country near Bamburgh, returned ſafe with great ſpoils. Patrick Hepburn, younger of Haills, was not ſo fortunate: he had penetrated farther into England, with more numerous forces, and was returning with a greater booty; but truſting

* The Engliſh commiſſioners for negociating the truce concluded at Kelſo, were, William Fulthorp, and Gerard Heron, knights; John Mitford, Eſq; and Mr. Alan Newark, clerk: the Scottiſh were Sir William Borthwick, Sir John Ramorgny, and Adam Forſter, Eſq. The ſame perſons were appointed on each ſide to be witneſſes of the kings of each nation ſwearing to the obſervation of this truce.

† *Subditi ſui.*

too

too much to his ſtrength, and probably thinking himſelf at a ſafe diſtance from his adverſaries, he was ſud lenly attacked at Weſt Neſbit in the Mers, by the earl of March or his ſon: Hepburn himſelf, with the flower of the youth of Lothian, fell in the battle; and John and William Cockburn, Robert Lauder of the Bafs, John and Thomas Haliburton, with many others, were taken priſoners. The earl of Douglas, eager to revenge ſo conſiderable a loſs, entered England about the middle of Auguſt, at the head of an army conſiſting of ten or twelve thouſand men; in which were many of the moſt eminent perſons of the kingdom. This army deſtroyed and plundered the country as far as Newcaſtle *; but as they were returning, the earl of Northumberland, and his ſon Henry Hotſpur, with George Dunbar earl of March, and ſeveral northern barons and knights, came up with them near Wooler, poſted on the hill of Homeldon, about a mile to the N. W. of that place: the Engliſh ſeized a hill over-againſt it, placing their archers in the interjacent valley between theſe eminences: theſe quickly diſperſed the archers of the Scotch army; and the forces on the higher part of the hill being galled by their arrows, earl Douglas led them bravely down, to come to a cloſe fight with the Engliſh; but the Engliſh archers falling back as the Scots advanced, and ſtill making a furious and inceſſant diſcharge of arrows, which no armour was able to reſiſt †, the Scots were ſoon totally routed. Sir John Swinton and Adam Gordon rallied part of the broken army, and endeavoured to renew the battle; but their men were diſperſed, and they themſelves ſlain. The purſuit of the Scots was continued to the Tweed; in which many, not knowing the fords, and entering the deep parts of the river, were drowned. The earl of Douglas having loſt an eye, and received five wounds, was taken priſoner. There were alſo taken, Murdoch earl of Fife, ſon to the duke of Albany, the earls of Murray, Angus, and Orkney, the lords Montgomery and Erſkine, Stewart of Innernethy, Sir Patrick Graham, Sir Robert Logan, Sir Adam Forſter, and about eighty other knights. There were ſlain in the engagement, John Levingſtone of Kalender, Alexander Ramſay of Dalhouſie, with many others of the Scotch nobility and gentry, and ſeven hundred common men: ſo that this battle is juſtly reckoned one of the moſt fatal to Scotland that ever happened on the borders. No perſon of note on the ſide of England fell, or indeed fought in this engagement; the victory being entirely the work of the Engliſh archers ‡.

Robert III. K. of Scotland. 1402. June 22.

Rym. vol. viii. p. 272.

Ib. p. 278.

Sept. 14. Holy Rode day. Hard.

Stowe, p. 328. Holing. fo. 254. Carte, vol. ii. p. 655.

* The counties of Northumberland and Cumberland had ſuffered ſo much by the incurſions of the Scots, that at the requeſt of the parliament, the king remitted to them all taxes and debts due by them to the crown. Rym. vol. viii. p. 283.

† Stowe ſays, that the armour of earl Douglas, and his accomplices, had been three years in making, p. 328.

Old Song of Chevy-Chace ſays, that, at Homeldown ſix and throtte Scottiſh knights, on a day were beaten down, Glendale glytteryd on their armour bright, over caſtill, towar, and town. Rel. Eng. Poet. vol. i.

‡ Henry ſettled a penſion of 40l. a year on Nicholas Merbury, an eſquire of the earl of Northumberland, in reward for bringing him the firſt certain intelligence of this victory: In the grant of this penſion, which was confirmed by his ſon Henry V. it is ſaid, that four earls, ſeveral barons and bannerets, with a great multitude of knights and eſquires, both Scots and French, were taken; and a great multitude killed and drowned in the water of Tweed. Rymer, vol. ix. p. 26.

Henry IV. K. of England. - 1402. Sept. 22. Fœd. vol. viii. p. 218.

Henry, in the congratulatory letters * he wrote to the Percies, and the reſt of his leaders in this battle, ſtrictly charged them not to ranſom, nor diſmiſs, on whatever ſecurity, any of their priſoners, without his expreſs allowance. This prohibition is ſaid to have provoked, in old Northumberland and his ſon, a reſentment, which not long after broke out to their own deſtruction. Their anger however muſt either have been long concealed, or the king muſt have been ſeeking to pacify it, when about ſix months after, he made a grant to the earl of Northunberland of all the lordſhips and eſtates in Scotland, that had been poſſeſſed by the three late earls of Douglas, or were poſſeſſed by the preſent earl of Douglas or his mother Johanna †, and alſo of the county of Tiviotdale, as the reward of his late ſucceſsful expedition againſt the Scots.

A. D. 1403. March 2 Fœd. vol. viii. p. 289.

Theſe poſſeſſions of the Douglas family, the king affirms, that the earl and his followers had in this expedition ſubdued; though the Scotch writers only mention his beſieging in vain the caſtle of Cocklaw in Tiviotdale. Poſterior to this grant, a commiſſion was iſſued at the requeſt of the earl of Weſtmoreland, nominating the lord Lovel and eight others, whereof four were clerks, to examine and decide certain differences that had ariſen amongſt the vaſſals of Weſtmoreland and thoſe of the two Percies, about their right to priſoners taken in the battle of Homeldon; which could not be properly determined by the two earls, though judges in the king's military court; nor by Henry Percy the ſon, who was a judge in ſuch matters, on the marches of Scotland; becauſe of the particular intereſt they had in theſe actions. It is not improbable, that an appointment of this kind would give great offence to men ſo mighty, and accuſtomed to ſuch arbitrary power over their extenſive domains as the Percies then were ‡.

Ib. 290.

March 9. Ib. 292.

But

* Such letters were directed, beſides thoſe to the Percies, to George Dunbar earl of March, Ralph baron of Greyſtock, Sir Henry Fitz-Hugh, Ralph Ewer, the lieutenant of Roxburgh and conſtable of Dunſtanburgh. One view of the king in detaining theſe priſoners, appears to have been, to make a parade of exhibiting them to his parliament, that met on the firſt of October. On the 20th of that month, the earl of Northumberland and other lords, brought before him into the parliament houſe, where he ſat on his throne, Murdoch Stewart, ſon to the duke of Albany, the lord Montgomery, Sir William Grave, and Sir Adam Forſter, Scots; and Sir James de Helſey, Sir Pierce Hazars, and John Darney, eſquire, Frenchmen. Having made their obeiſance, Sir Adam Forſter, in name of them all, humbly prayed the king that they might be treated according to the courſe of the war; which, on account of their being taken while fighting in the field of battle, was readily granted. After this, Sir Adam declared, that, in conſequence of the late victory, it was now in the king's power to obtain a final peace, or a *league* with Scotland. Upon which the king told him, that, by his own flattery and falſehood, he had learned to be wiſer than to truſt them; as he (Forſter) had engaged the king, relying on his word, to leave Scotland ſooner than he intended to do. For this Sir Adam aſked pardon, and then they were committed to the care of the ſteward of the houſehold, to wait the king's pleaſure. Parl. Hiſt. vol. ii. p. 73.

† Crawford calls her Margaret. She was daughter and ſole heir of the lord Bothwell. The particulars mentioned in this grant are, the earldom of Douglas, the valleys of Eſkdale, Liddiſdale, and Lauderdale, the lordſhip of Selkirk, and foreſt of Ettrick, and all other eſtates and lordſhips held by the preſent earl of Douglas, his mother, or three predeceſſors; the lordſhip of Galloway, the town of Annan excepted: then the county of Tiviotdale is granted, (with the exception of the caſtle and town of Roxburgh, and the town of old Roxburgh) and alſo the barony of Sprowſton, with all the dependencies of each, which are ſaid to have belonged to Ralph Neville, late lord of Raby, John his ſon, or Ralph the ſon of John, then earl of Weſtmoreland.

‡ Harding ſays, that king Henry blamed Henry Hotſpur for not bringing to him his priſoner the earl of Douglas, as his father had brought the earl of Fife. But Hotſpur detained Douglas, becauſe

But whatever were the particular provocations, it is certain that the earl of Northumberland, his ſon Henry Hotſpur, and his brother the earl of Worceſter, entered into concert with the rebels in Wales, and joined in their project of depoſing the king and advancing Mortimer the earl of March to the throne *. The earl of Douglas, priſoner to the younger Percy, engaged to join in this enterpriſe, on condition of being reſtored to his liberty, and rewarded with the town of Berwick, if the undertaking ſucceeded. He was alſo permitted to go into Scotland, to raiſe a body of his friends and clients to aſſiſt in the war. In the battle of Shrewſbury, where this quarrel was decided, and young Henry Percy fell, earl Douglas, after performing the nobleſt feats of heroic courage, was taken priſoner; and the ſucceſs of the king was very much owing to the addreſs and bravery of the Scottiſh earl of March and his ſon, on whom he ſoon after conferred ample rewards. The old earl of Northumberland, at the time of his ſon's ſetting out on this fatal expedition, lay ſick at Berwick †. As ſoon as he was able, he directed his march towards his ſon, at the head of a good body of troops; but finding the earl of Weſtmoreland in his way, and alſo receiving intelligence of the defeat and death of his ſon, he retired to his caſtle of Warkworth. Being ſoon after ordered to attend the king at York, he obeyed the ſummons, and made the beſt apology he could for his conduct. This was ſo far admitted, that the king contented himſelf with ſecuring his perſon; for the caſtles of Berwick, Alnwick, Warkworth, and others, were then held by the earl's men, and his vaſſals had many other ſtrong places in Northumberland; ſo that a revolt of that province to the Scots, was apprehended as the conſequence, if ſeverer meaſures ſhould be taken againſt their lord. The gentlemen, however, of the country, beſides renewing an oath of fealty to the king, were required to ſwear, that they would not give the earl of Northumberland counſel, aid, or ſervice, againſt Henry or his heirs ‡.

Robert III. K. of Scotland. 1403.

July 22.

Rym. vol. viii. p. 322, 323.

In the courſe of this year, Henry gave three different commiſſions to treat with the king of Scotland about a peace or truce. He alſo gave his ſafe-conduct to deputies ſent from the French king, to inquire if his ally of Scotland would be comprehended in the long truce that had then ſubſiſted between France and England. It had been given out for ſome time, and the

Rym. ib. 321. 332. 345. Auguſt 6. Sept. 23. Dec. 24. July 22. Ib. p. 318.

becauſe if he had ſent him, he ſaw no hope of grace for Mortimer, who was his wife's brother, and was then king Henry's priſoner. After promiſing, however, out of regard to his own preſent ſafety, to fetch Douglas to the king, he retired from the court, ſecretly, to Berwick, and ſaw the king no more till he met him in the field at Shrewſbury. Harding, p. 201.

* Harding relates, that all the lords of England had promiſed, by their letters to Percy, to aſſiſt him in dethroning the king, but *brake all their behete*. In the preface to his 203d chapter he ſays, that all the lords deceived the Piercies that were bound to them by their ſeals, except the earl of Stafford; which letters, adds he, I ſaw in the caſtle of Warkeworth, when I was conſtable, under my lord Sir Robert Umfraville, who had that caſtle of king Henry, his gift, by forfeiture of the earl of Northumberland. Harding, p. 201.

† Harding ſays, that he failed his ſon foul, without wit or rede.

‡ The perſons appointed to adminiſter this oath were, John Woderington, Gerard Heron, and John Mitford. To the oath itſelf, in the French language, are ſubjoined, the following names, William Clifford, Gerard Salvayn, William Fulthorp, John Wyderington, John Mitford, Henry Boynton, knights; William Newſon, Alexander Bkacanſop, John Dukwray, eſquires, Rymer, ib. p. 322.

report

Henry IV. K. of England.

1403. report was credited by many of both nations, that Richard was ſtill alive, and had taken refuge in Scotland. Henry, ſolicitous to avoid the hazards ariſing from a pretender to his crown, courted very diligently the friendſhip of the Scottiſh king. But there doth not appear any proof of his ſucceſs until the following year; when commiſſioners from both kings meeting in the caſtle of

A. D. 1404. Ib. 363. Pontefract *, did, on the ſixth of July, conclude a truce, to continue from the 20th of that month to the following Eaſter, on the footing of the truce laſt concluded at Hauden-Stank, between the dukes of Rotheſay and Lancaſter. And becauſe certain articles of that truce appeared of dark and doubtful meaning, it was agreed, that commiſſioners of equal number and rank from each king, ſhould, on the eighth of next October, meet at Hauden-Stank, in order to aſcertain, fix, and declare, the true ſenſe of ſuch ambiguous clauſes; and alſo to treat of a peace, or truce, and the mutual redreſs of injuries.

July 9. About the ſame time, and in the ſame place, and with the ſame view of ſecurity on the ſide of the north, the king and his council made an agreement

Rym. vol. viii. P. 364. with the earl of Northumberland, by which the earl engaged to deliver up, before the feaſt of St. Margaret, to perſons having commiſſion from the king, the caſtle of Berwick, and alſo the caſtle and foreſt of Jedburgh, with all their dependencies, which had been granted by a charter of Edward III. to the earl's grandfather, Henry lord Percy, and his heirs: he conſented alſo to reſign an annual revenue of 500 merks out of the cuſtoms of the town of Berwick. In return the king, with aſſent of the ſtates of his kingdom, to be aſſembled in parliament before the middle of December, or in caſe a parliament ſhould not be held in that interval, with the aſſent of his council and the other ſtates of his kingdom, which he promiſed to convoke within that time, engaged to ſettle on the earl and his heirs, lands and tenements equal in value, and accompanied with the ſame honours, that belonged to the poſſeſſions now reſigned. In caſe of failure of the king's part of this covenant, all things were to be reſtored to the earl, in the condition wherein they were at preſent held by him; but if the king ſhould fulfil it, all the goods in the ſaid caſtles that belonged to the earl, or the value of them, was to be delivered up to him. This agreement was confirmed by the oaths of the king and his counſellors, on one part; and of the earl, on the other. The earl had been brought before a parliament that met this year, to be tried for his conduct for the part he had in his ſon's inſurrection. The lords found him guilty only of a treſpaſs, ſubjecting him to a fine, to be impoſed at the pleaſure of the king. This the king remitted; but his jealouſies were not removed. With a view of giving more favourable impreſſions of his loyalty, the earl brought along

Stowe, p. 330. with him to Pomfret his nephews and their ſons. He was alſo attended by Sir William Clifford †, who had been intruſted by him with the keeping of

* The Engliſh commiſſioners were, Sir Ralph de Eure and Sir Roger Leeke; and the Scottiſh, Sir David Fleming, and Sir William Muirhead.

† This Clifford, or one of the ſame name, had the keeping of the fortreſs of Faſtcaſtle in Scotland; which the king, by an order, dated at Lichfield, Auguſt 29, requires him to deliver up to the king's ſon, John duke of Bedford, warden of the eaſt marches, on the feaſt of St. Mary's Nativity, September 8. Rymer, ib. p. 370.

the

the caſtle of Berwick, and had refuſed to deliver it up to the king's orders. Clifford merited his pardon by carrying along with him William Serle, whom he had got into his hands by a ſtratagem; and who being a fugitive in Scotland, had diſtreſſed Henry by ſpreading a report, that Richard II. whom Serle had ſerved as a gentleman in his chamber, was ſtill alive in that kingdom. Robert III. K. of Scotland. 1404.

In purſuance of the agreement made in July at Pomfret, commiſſioners were nominated by the king of Scotland, to meet on the day prefixed, at Hauden-Stank, with others from the king of England; and ſuch powers were given them as that treaty required. But this meeting does not ſeem to have been held; for in the beginning of March, in the following year, the king of England appointed commiſſioners ‡ to meet on the 24th of that month, and at the place above-mentioned, with others equal in number and rank from the king of Scotland, in order to explain the obſcurities mentioned in the treaty at Pomfret; their powers being extended to give alſo a fair and reaſonable interpretation of what was thought obſcure in the truce of Lenlinghen, which was the ground-work of *that* concluded ſeven years ago between the dukes of Rotheſay and Lancaſter. From the powers and inſtructions of the Engliſh commiſſioners it appears, that the obſcurity ſo often mentioned, lay in that article, by which it was ordained, that thoſe who poſſeſſed lands or houſes in the neighbourhood of the caſtles of either kingdom, ſhould pay and perform the duties required by the truce then in force (that is the truce of Lenlinghen). The commiſſioners of the Engliſh king were empowered to ſettle, in concert with thoſe of Scotland, the preciſe limits and kinds of lands and poſſeſſions, with their poſſeſſors and inhabitants, that ought, by virtue of theſe truces, or either of them, to belong to the caſtles of Roxburgh, Berwick, Jedburgh, and all the other fortreſſes and caſtles of the king or his ſubjects, ſituated on the marches between the kingdoms, or within the kingdom of Scotland. And in the inſtructions given to theſe commiſſioners, they were charged to require of the commiſſioners of Scotland, to admit the article contained in the truce of Lenlinghen, relating to the caſtles, in this ſenſe, that the inhabitants lying nearer the caſtles of the king of England than thoſe of the Scots, ſhould pay to the governors of ſuch caſtles the duties that had been exacted in former times. The commiſſioners, however, were inſtructed, in caſe of a poſitive refuſal of the other ſide to comply with this demand, to recede from it, in the handſomeſt manner they could; and to put off to ſome ſubſequent meeting, the farther conſideration of the obſcure words and articles in queſtion. Whether a meeting was held at Hauden Stank, in conſequence of this commiſſion, or what was there tranſacted, does not appear. But new powers were given about the middle of the following ſummer, to John the king's ſon, conſtable of England and warden of the eaſt march, to negociate and conclude a truce with deputies on the part of the kingdom of Scotland, to continue until next Eaſter; and, in orders directed to the northern ſheriffs, for arraying the enſible men of their

Rym. ib. 369.

A. D. 1405. March 5. Rym. ib. 384, 385.

July 8. Ib. p. 403.

In Sept. Rym. ib. p. 414.

‡ The Engliſh commiſſioners were, Henry biſhop of Bath and Wells, Ralph earl of Weſtmoreland, Henry lord Fitz-Hugh, Ralph Iver, Robert Umfraville, Thomas Colville, John Mittord, knights; Mr. Allan Newark, clerk, and Rowland Vaux, eſquire.

counties,

Henry IV. K. of England. 1405.

counties, to repel an invaſion at that time threatened by Robert duke of Albany, it is affirmed, that ſuch an invaſion would be in breach of the truce then ſubſiſting between the Engliſh king and kingdom of Scotland *.

This ſummer produced a new conſpiracy and inſurrection againſt the king of England, wherein the earl of Northumberland joined the archbiſhop of York, Thomas Moubray ſon to the late duke of Norfolk, hereditary earl Marſhal, lord Bardolf, and others. Although in appearance reconciled to the king, Northumberland had ſuffered from him, in his family and intereſt, what he never could forgive. Beſides the fall of his ſon in the battle of Shrewſbury, and the execution of his brother after it, the poſt of high conſtable which Henry had conferred on himſelf for life, and the wardenſhip of the eaſt marches, which had been poſſeſſed by his ſon Hotſpur, were given to the king's third ſon, John of Lancaſter, afterwards duke of Bedford; and the wardenſhip of the weſt marches, which old Northumberland himſelf had held, was conferred on his rival neighbour the earl of Weſtmoreland: the jealouſy entertained by the king, farther appeared by the reſignation he had demanded from the earl of the caſtles of Berwick and of Jedburgh; theſe irritations were extended to the earl's friends and clients, by the king's appointment of commiſſioners to compound with ſuch as had followed the earl in his late inſurrection, and to grant them particular charters of remiſſion, on their paying the fines required; although an act of grace had been paſſed, comprehending all ſuch offenders. The activity and art of the earl of Weſtmoreland, ſeconded by John of Lancaſter warden of the eaſt marches, defeated the whole project of this new inſurrection in its very beginning: while the earl of Northumberland was preparing to join his forces to thoſe of the archbiſhop of York and the earl Marſhal, theſe, his confederates, were ſeized and executed as traitors at York. The king himſelf, on his arrival at Pomfret, iſſued orders to the wardens of the eaſt and weſt marches, to confiſcate all the lands, fortreſſes, and other poſſeſſions, of the earl of Northumberland; and ſoon after, having received intelligence that the earl and a great number of his traitorous friends and accomplices, adherents of the king's enemies of Scotland †, were at that time in the caſtle and town of Berwick, from whence they infeſted the king's faithful ſubjects in the adjacent country, he iſſued orders to the ſheriff

June 8.

Pomfret. June 4. Ib. p. 399. Rippon. June 10. Ib. p. 400.

* The duke of Albany, in this paper, is called, pretended governor of Scotland. It appears, from an order of the king to John Topcliff, his ſerjeant at arms, dated at the caſtle of Pomfret 22d of Auguſt, that the earl of Dunbar's fortreſs of Colbrandiſpeth was then in the keeping of of his ſon George, as his lieutenant, by conſent of the king of England. The king had allowed George to employ and deal with Scotchmen, in order to provide victuals and other neceſſaries for his garriſon: but as a ſhipmaſter, called Chriſtal, with ſeven other marines, were employed in this work, Rowland Heron and Thomas Hilter, two ſoldiers of the garriſon of Berwick, ſeized theſe men with two of their ſhips and cargoes, and carried them with an armed force to Berwick. The ſerjeant at arms is ordered to find out the offenders, and to reduce, or, if neceſſary, to compel them to make reſtitution and redreſs for the injury and violence they had committed. Rym. ib. p. 410.

† The charge againſt the earl in the parliament held in the following year, wherein he was forfeited, was his ſending Sir Robert Boynton and two others into Scotland, on June 10, to negociate an alliance with Robert III. and ſome French commiſſioners, for promoting their mutual intereſts and views. Carte, vol. ii. p. 667. The letters of credence, that Boynton and his companions had from Northumberland for this purpoſe, were produced in parliament.

of Yorkſhire, to ſummon the whole military force of that country, to attend him at Newcaſtle, in order to proceed againſt theſe traitors. The king is ſaid to have collected for this expedition an army of thirty-ſeven thouſand men. He alſo carried along with him artillery and engines neceſſary for taking places of ſtrength. The earl of Northumberland, too weak to withſtand ſo great a power, fled into Scotland, accompanied by lord Bardolf; and carrying along with him his grandſon, the ſon of Henry Hotſpur. Sir William Gray-ſtock was intruſted by him with the keeping of the caſtle of Berwick, which he attempted to hold out in hopes of ſuccour from Scotland. But the firſt ſhot from a cannon of a large bore *, having demoliſhed a conſiderable part of one of the towers, the garriſon, thrown into a conſternation, made an immediate ſurrender. The king ordered the governor, and ſome of the chief perſons in the caſtle, to be beheaded †, and others to be committed to priſon; and the other fortreſſes in Northumberland poſſeſſed by the earl, were in a ſhort time, and with little oppoſition, reduced ‡.

Robert III. K. of Scotland. 1405. Carte, 655. Stowe, p. 333. Speed.

Many of the Scotch priſoners, taken at the battles of Homeldon and Shrewſbury, had been ever ſince detained in England. Some of theſe the king offered to reſtore, if their friends or kindred would ſeize Northumberland and Bardolf, and deliver them up into his hands. Sir David Fleming, of Cumbernauld, whoſe gueſts theſe refugees were, gave them timely notice of their hazard; and aſſiſted them in making their eſcape into Wales, where they joined Owen Glendourdwy, ſtill in arms againſt Henry. Fleming was ſoon after killed by ſome of thoſe whoſe project he had diſappointed; and ſuch a ſeries of domeſtic quarrels enſued, as obliged the Scots to conſent to a truce with England. This ſeems to be the truce laſt mentioned, which John of Lancaſter had received powers to negociate. Soon after it was concluded, James, the only ſurviving ſon of the king of Scotland, a youth of about fourteen years of age, was put on board a ſhip privately at the Baſs, in order to be conveyed to France. This ſtep is aſcribed by the Scotch writers, to the dread entertained by the king and his friends, of the immoderate ambition of the duke of Albany, to which the life of the duke of Rotheſay had a few years before fallen a ſacrifice. The veſſel, that carried the young prince, paſſing near the coaſt of Yorkſhire, was, notwithſtanding the truce, ſeized by the Engliſh; and Henry was not ſo ſcrupulous an obſerver of public faith, as to think of reſtoring ſo valuable a prize. The diſtreſs occaſioned by this miſerable event, is ſaid to have broken the heart of the old king; but his death happened not ſo ſoon as moſt Scotch writers relate; for Robert did not die till April 4th in the following year.

Walſingham. Stowe. Carte.

A. D. 1406.

* Speed ſays, from Walſingham, that this was the firſt time a cannon was uſed in England.

† Sir Henry Bolton and Blenkenſop; Prendergeſt and others eſcaped by ſea. Hard.

‡ According to Harding, the caſtle of Warkworth was ſurrendered to Henry as he marched northwards, after a ſiege of eight days. The garriſon had liberty to go where they would with horſes and harneſs. The caſtle of Alnwick was yielded to the king without reſiſtance, on his return from Berwick, by Henry Percy of Athol and William Clifford, who obtained the ſame conditions as the garriſon of Warkworth had done. The captains of Alnwick being ſummoned by the king as he paſſed northwards, anſwered, That let him once win Berwick, and they ſhould yield. Wynne Berwick ones, he ſhould have his entent. Hard. p. 203.

Henry IV. K. of England. James I. K. of Scotland.

1406.

The duke of Albany, with the title of governor, which he had enjoyed while his brother yet lived, continued after his death to exercise the sovereign power; and he had grown so fond of this, that he took no effectual step for delivering the young king from his captivity. His own son was likewise still a prisoner in England *, and the earl of Douglas remained in the same state. Such an uncommon store of pledges for the peaceable behaviour of the Scots towards England, produced for some time its natural effect; for truces were renewed from year to year, and there were no hostilities between the nations until after Easter in the year 1409.

A. D. 1409. Stowe, p. 335. Speed, p. 620.

During this interval, in 1408, the earl of Northumberland, accompanied by lord Bardolf, returned from Wales, and being joined by several of his adherents in the north, marched into Yorkshire †. At Thriske, he published a manifesto, containing the reason of his taking up arms; and considerable numbers flocked thither to his standard. But Sir Thomas Rokesby sheriff of Yorkshire, with other knights of that county, levied forces, and attacked him at Bramham-Moor, where, after a sharp conflict, Northumberland was slain on the field, and Bardolf mortally wounded ‡. The earl's head was cut off and sent to London, where it was elevated on a pole, and exposed publickly through the streets, and afterwards set up on the bridge §.

Feb. 18.

The truce that had been last concluded betwixt the kingdoms, expiring in 1409, the commons of Tiviotdale, in the spring of that year, took and plundered the castle of Jedburgh, which having been in the hands of the English since the battle of Durham, proved a continual annoyance to the adjacent country; and that it might no more serve the same purpose, it was with great labour levelled with the ground **. The Scots also gained another

Buchan. Ford. l. 15. c. 21.

* Since the battle of Homeldon.

† Other writers say, the earl of Northumberland and lord Bardolf returned from Wales to Scotland, and that they entered England by the northern counties, at the head of some Scottish troops, levied by the connivance of the duke of Albany regent of the kingdom. Rapin, quoting Walsingham, vol. i. p. 499.

‡ For this good service, Henry granted Sir Thomas Rokesby, the manor of Spafford with its appurtenances. Rym. vol. viii. p. 530.

§ Fordun's account of this transaction differs from the relations given of it by the English historians. He says, Northumberland was ruined by the perfidy of Sir Thomas Rokesby, one of his vassals, who advised him by letters which he sent into Scotland, to levy a few Scots and enter Northumberland, assuring him, that he would be immediately joined by such numbers, as would enable him either to dethrone king Henry, or at least to force that king to a treaty, and thereby recover all his former possessions. Northumberland, Fordun adds, trusting to the fidelity of Rokesby, hastened to his destruction. For having fixed upon a day when he was to enter Northumberland, and appointed a place where Rokesby was to meet him, Rokesby betrayed him to king Henry, and collected secretly such a force, as enabled the traitor to cut off both Northumberland and his friend Bardolf, at a place called Berrymore. This account of the fate of Northumberland is not improbable, and the English historians, perhaps, have suppressed the treachery of Rokesby, out of flattery to the house of Lancaster. Ford. l. 15. c. 19.

** Fordun relates, that a convention *(generale concilium)* held at Perth, resolved, that a tax should be imposed of two-pennies, on every house that raised fire, for defraying the expence of this demolition; but the governor opposed it, saying, that no tax had ever been raised in the time of his government, nor should be raised, lest the poor should curse him, as the introducer of such an abuse: he therefore immediately ordered, that the people of the march should be paid out of the royal customs, for their labour in destroying this castle. Whence he got blessings of the people beyond number.

considerable

James I. K. of Scotland.

1409.

conſiderable advantage this year, in the return of the earl of March to his own country. Having failed of his hopes, or received ſome diſguſt at the Engliſh court, he entered into meaſures with the governor of Scotland; from whom he obtained his pardon, and was reſtored to all his former poſſeſſions, excepting the caſtles of Lochmaben and Annandale, which were given to the earl of Douglas, in compenſation of the loſſes he had ſuſtained from March.

In May and Nov. Rym. vol. viii. p. 584. 609.

Commiſſioners were twice appointed this year, to hold meetings on the marches, for renewing the truce, and redreſſing mutual injuries; and at one or both of theſe meetings, ſhort truces were actually concluded. This appears from a letter of the governor to the king of England, in the month of May, in the following year, by which he intimates his approbation of a truce lately concluded by commiſſioners of both nations, on the 21ſt of the preceding April, to continue until the 21ſt of May in the enſuing year; and declares it to be his pleaſure, that it ſhould be obſerved, according to the form and effect of the truce that had been agreed on in the foregoing year. The truce of this year was concluded at Hauden-Stank, and the Engliſh commiſſioners employed in it, had a particular charge to require of the duke of Albany, and his commiſſioners appointed to treat with them, to employ all poſſible means to procure the return of the earl of Douglas to the preſence of the king of England, as his priſoner, as good faith required; and to certify the perſons above-mentioned, as alſo the earl and his friends, that if he did not, in the ſpace of a month from the time of this requiſition, deliver himſelf up to the king, or his ſon John, warden of the eaſt march, he would proceed to treat the earl's hoſtages as the laws of arms required; and would alſo, as occaſion offered, proſecute the earl with his whole force, as his priſoner and adverſary. This requiſition, made in ſo high a tone, appears not to have been unprovoked. For the earl had, in ſummer 1408, obtained leave to go into Scotland, upon his obliging himſelf by indenture to return to his impriſonment on Eaſter-Day, in the following year; for ſecurity of which, he left behind him five hoſtages, and of theſe, his ſons Archibald and James, were two*: he had alſo engaged to obſerve a particular truce, that he had concluded with John of Lancaſter, warden of the eaſt march, to be kept for the earl's bounds on the marches of Scotland, from Eaſter 1408 to Eaſter 1409†. He had now delayed his return a year beyond the period agreed, and, to enhance the provocation, in the courſe of that year, the caſtle of Jedburgh, ſituated within the earl's territories, and which had ſo long been poſſeſſed by the Engliſh, was taken from them.

A. D. 1410. May 6. Ib. 635.

Ib. p. 631.

Ib. p. 536.

* The others were, William Douglas, eldeſt ſon to Sir James Douglas, ſon and heir to the lord of Dalkeith, Sir Simon Glendonnwyn, and Sir Alexander Gordon lord of Stichel.

† In the preceding year 1407, he had, on the ſame conſideration of obtaining leave to return to Scotland, obliged himſelf to become the man of the king of England and his four ſons, before all men, and againſt all men, the king of Scotland, James, the ſon of the laſt king deceaſed, alone excepted; and not even to ſerve the king of Scotland, nor any other, againſt the king of England and his four ſons: he engaged farther, that, during his ſtay in Scotland, all his men ſhould be on the ſide of Henry and his ſons, and not againſt them, or any of them; and that on his being fully liberated, he and his men ſhould remain under this obligation, during the term of his life. Ib. p. 478.

Henry IV. K. of England. 1410.

It was perhaps owing to ſome difficulties with regard to the earl of Douglas, that the king of England doth not appear to have ratified the agreement concluded at Hauden-Stank. The conſequence of his refuſal was, the continuation of hoſtilities between the nations, but with a ſmall exertion of force on either ſide. In the courſe of theſe hoſtilities, Patrick Dunbar, one of the younger ſons of the earl of March, accompanied by a hundred reſolute men, took by ſurpriſe, in the night-time, the fortreſs of Faſt-Caſtle. The governor Thomas Holden, who, by his continual excurſions, had long infeſted the adjacent country, was made priſoner. And either in this, or the following year, Gavin, another ſon of the earl of March, in conjunction with William Douglas of Drumlanrig, broke down the bridge of Roxburgh, and plundered and burnt the town. The reduction of the caſtle they did not attempt, being unprovided with all things requiſite for a ſiege. On the other hand, the Engliſh, under Sir Robert Umfranville, who carried along with him in this expedition Gilbert Umfranville titular earl of Angus, a boy of fourteen years of age, who then firſt diſplayed his banner, made an incurſion into Tiviotdale, wherein he burnt the town of Jedburgh, and a great part of the country adjacent *. Umfranville was vice-admiral of England, and before this expedition by land, had, with ten ſhips of war, taken fourteen ſhips, and much rich ſpoil, in the Frith of Forth, and coaſts on both ſides of it.

Buchan. Holingſ. Fordun.

Stowe, p. 338. Harding, c. 207.

A. D. 1411. Rym. vol. viii. p. 682. May 23.

In the ſpring of the following year, it appears, that the earl of Douglas had made up matters with the king of England, and regained his liberty †. For he and the earl of March, with ſeven others ‡, had a ſafe-conduct granted them to come to Hauden-Stank, with a competent number of attendants, to meet there with commiſſioners equal in number and rank from the king of England, in order to treat of a truce between the kingdoms. It is probable, that the terrible commotions in the north of Scotland, occaſioned by the revolt and invaſion of John of the Iſles, which terminated in the fierce and bloody battle of Harlow, prevented the meeting of the commiſſioners. For a commiſſion was given in the following autumn, to two knights of Northumberland §, to meet with the ſame commiſſioners on the part of Scotland, that had

Sept. 24. Ib. 703, 704.

* A commiſſion of array is directed to ſeveral knights, and other gentlemen, in the county of Northumberland, in conjunction with the ſheriff, to raiſe the armed men and archers of that county, in order to repel an invaſion threatened from Scotland. Sir Robert Umfranville is one of this liſt; the reſt are, Sir John Grayſtock, Sir Thomas Grey of Heaton, Sir Robert Ogle, Sir John Widrington, Sir Thomas Grey of Horton, Sir Wineſlow Dorſteyner, Robert Harbottle, William Mitford, Robert Tempeſt, John Errington, John Fox, and Roger Fulthorpe, July 5. Rym. vol. viii. p. 369.

† He ſeems to have agreed with the king for his ranſom, and to have left hoſtages for the ſecurity of its payment. Probably his kindred aſſiſted him in this, for in May 1412, an acquittance is given for 700 merks, in part of 1000 due by James Douglas lord of Dalkeith, for the ranſom of William Douglas his grandſon, who remained with the king's father Henry IV. as an hoſtage for Archibald earl of Douglas, lately a priſoner to his ſaid father. Rym. vol. ix. p. 7, 8.

‡ Theſe were, the biſhops of St. Andrews and Glaſgow, Maſters John Merton and Alexander Cairns, clerks; William Grame, William Hay, and William Borthwick, knights. The Engliſh commiſſioners were, Thomas biſhop of Durham, and Nicholas of Bath and Wells, Richard earl of Warwick, Ralph earl of Weſtmoreland, Baron Hilton, Sir Thomas Gray, Sir Robert Umfranville, Allan Newark, and Richard Holme, clerks.

§ Sir Thomas Gray and Sir Robert Umfranville.

been nominated in May, and for the ſame end; and it is remarkable, that theſe two knights had a ſeparate commiſſion, to treat with two Scotch knights *, (who were alſo in the liſt of the great commiſſion,) as deputies and commiſſioners from Robert governor of Scotland. It is probable, that theſe commiſſioners concluded a ſhort truce, which was to commence from the feaſt of All-Saints. For in the following ſpring, an agreement was made between commiſſioners from the Engliſh king, and the governor of Scotland, bearing, that a particular truce between the kingdoms ſhould ſubſiſt and be faithfully obſerved, from the mouth of Spey to St. Michael's Mount in Cornwall, by land, and a general truce by ſea, from the feaſt of All-Saints laſt paſt, until Eaſter in the year 1418. This truce was of the ſame tenour, force, and effect, with that conducted at Hauden-Stank, between the dukes of Lancaſter and Rotheſay; but with the reſerve, that, by virtue thereof, no priſoners, that had been taken before the feaſt of Michaelmas in the year 1410, ſhould regain their liberty.

James I. K. of Scotland. 1411.

A. D. 1412.

The governor of Scotland, growing very old, began to think ſeriouſly of regaining the liberty of his eldeſt ſon, who had been more than nine years a priſoner in England. But while this was negociating, Henry, king of England, died; after having ſufficiently felt the miſery attending the greateſt object of human ambition, when attained and held by injuſtice and cruelty. It was perhaps, owing to the celebrated honour and humanity of Henry V. his ſon, that the deliverance of the Scotch king began firſt to be treated of, ſoon after Henry's acceſſion to the throne. But the ambitious views of the governor for the aggrandizement of his own offſpring, and the mighty projects wherein Henry ſoon became engaged on the ſide of France, conſpired ſtill to prolong James's captivity. It appears alſo, that the ſix years truce abovementioned, which had received the ſanction of Henry IV. was ſome way defective or invalid; perhaps on account of being concluded by Scottiſh commiſſioners, who had their powers from the governor alone, without the concurrence of the grandees or ſtates of the kingdom. It is alſo probable, that the Scottiſh nobles were in this matter directed by their ancient allies of France. For in the courſe of this ſummer and autumn, a truce was concluded between England and each of theſe nations, to continue until the firſt of June in the following year. *That* with Scotland †, commenced from the 15th of Auguſt, was of the ſame tenour, force, and effect, with that which was laſt concluded at Brigehamhaugh; being *particular* by land, from the mouth of the Spey to St. Michael's Mount in Cornwall, and *general* by ſea; and is called *a good and lawful truce*, probably to diſtinguiſh it from the foregoing, which, from ſome eſſential error or defect, was not conſidered as binding.

A. D. 1413. March 20. Henry V. K. of England.

Rym. vol. ix. p. 5.

A. D. 1414. Rym. vol. ix. p. 60.

In a truce concluded between France and England, in the beginning of the following year, to continue from Candlemas 1414 to Candlemas 1415, the

Rym. vol. ix. p. 91.

* Sir William Hay and Sir William Borthwick.

† The Engliſh commiſſioners employed in this treaty were, Sir Robert Umfranville and Sir Robert Ogle. The Scots were, Sir Patrick Dunbar of Bele, Sir William Hay of Loshorwart, and Sir William Borthwick. Rym. ib. p. 40, 45.

king

Henry V. K. of England. 1414.

king of Scotland was comprehended; and as no hoſtilities are recorded to have happened during that period, it is likely that the Scots accepted the comprehenſion *. Edward duke of York had been created warden of the eaſt march, in the room of John of Lancaſter, who, in a parliament held at Leiceſter in the beginning of laſt ſummer, was made duke of Bedford. In the end of the year 1414, he had received powers from the king, by advice of his council, to conclude by himſelf or his deputies, named by him, either general or particular truces by land, with the deputies of the regent of Scotland, or of the wardens of that nation, or their lieutenants or deputies; under this condition, that the foreſaid truces ſhould not exceed a quarter of a year in continuance. This was alſo the method, at that time followed, in treating with France; the intention of theſe truces on the part of the Engliſh monarch, being only to gain time, in order to make preparations for a war that he had now fully reſolved on. Accordingly the truce that expired with France at Candlemas, was continued, by a new agreement, until the 1ſt of May: and it is probable, that the Scots conſented to this prorogation, or made a like treaty with the Engliſh warden, although, before the expiration of this quarter, preparations were making in Scotland, that gave an alarm on the Engliſh border.

Rym. ib. p. 194.

Ib. p. 217.

A. D. 1415. Ib. p. 223.

Henry declared his purpoſe of undertaking an expedition into France, for the recovery of his inheritance, to a great council of his peers held at Weſtminſter, about the middle of April. At this council, he alſo declared his reſolution of conſtituting his brother, John duke of Bedford, lord lieutenant of England during his abſence. He nominated likewiſe the lords of his council, of which the earl of Weſtmoreland was one, and to this lord was committed the charge of the marches towards Scotland; the lords Mauley and Dacre being appointed his aſſiſtants in that office. The men to be retained under them for the defence of both eaſt and weſt marches, were two hundred lances and four hundred archers. The duke of York, though warden of the eaſt march, had not any part aſſigned him in the care of the marches, becauſe he was going over to France with the king.

Ib. p. 228.

Ib. p. 240.

In the month of May, a commiſſion was given to Sir Robert Umfranville, and to Sir James Harrington, lieutenant of Edward duke of York, as warden of the eaſt march, to negociate with commiſſioners from Scotland, a prorogation of the truce laſt concluded, or a new truce, for what time they pleaſed.

Ib. p. 244.

At the ſame time, there was granted a ſafe-conduct to ſeven commiſſioners from Scotland, (of whom Robert, grandſon of the governor, and ſon of Murdoch, Maſter or earl of Fife, and George Dunbar, ſon and heir of the earl of March, were two †,) coming into England, to treat with certain perſons appointed by the king, concerning the deliverance of Murdoch from his long impriſonment. The project was, to exchange him for Henry Percy, ſon and heir of Hotſpur, whom the old earl of Northumberland had carried

* The earl of March is comprehended in this truce, as an ally of France, and the lords of Man and the Iſles, are comprehended as allies of each power.

† The reſt were, William Graham lord Graham, John Stewart earl of Buchan, John Stewart lord of Innermeath, Robert Maxwell lord of Calderwood, and Mr. Andrew Hawyl parſon of the church of Lyſton.

with

with him into Scotland, in his flight from Berwick, nine years before; and whom he had left behind him, when he found it neceſſary to abandon Scotland and ſeek refuge in Wales. By a happy union of humanity, with good policy, the king, in his laſt parliament, readily granted a petition, preſented by young Percy, requeſting to be reſtored to the eſtate and honours of his father and grandfather *. Such a reſtitution, beſides being grateful to many of the Engliſh nobility, could not fail to win the hearts of the Northumbrians; and it was a point of no ſmall importance to the king, to attach theſe to his intereſts, when he was on the eve of a war with France; ſuch wars ſeldom failing to produce an attack from Scotland. And ſo certain did it ſeem, that the aboveſaid exchange would take place, that the ſame perſons who had the king of England's ſafe-conduct, in coming into England to treat of it, had another ſafe-conduct of the ſame date, to ſecure their going and returning when they ſhould come to the Calf-hill, in the neighbourhood of Berwick, bringing along with them, and delivering, at that place, young Henry Percy; and, on his delivery, receiving Murdoch of Fife, ſon and heir to the duke of Albany. Notwithſtanding theſe promiſing appearances, this exchange was not at this time effected; probably through the influence of France with the Scottiſh nobility. It is likely that Henry, finding the Scots determined againſt concluding a truce of any length, and preparing to diſtreſs his northern frontiers, upon his ſetting out on his expedition againſt France, ordered Murdoch, who was actually delivered out of the Tower of London, and on his way to Scotland, to be brought back. Not able to brook ſo ſore a diſappointment, he attempted to make his eſcape, but was retaken by Ralph Pudſoy, an Engliſh eſquire, who, in reward for this ſervice, had a penſion granted to him of 20l. a year.

James I. K. of Scotland. 1415.

Ib. p. 250.

Ib. p. 280.

Henry, however, ſtill deſirous to preſerve peace on his marches towards Scotland, appointed and empowered Richard lord Grey, and Robert Ogle, knights, and Mr. Richard Holme, clerk licentiate in laws, to meet with commiſſioners from the governor of Scotland, in any place they ſhould chuſe, either in Scotland or on the marches, to treat of a general truce by ſea, and a particular one by land, between the two kingdoms. The ſame perſons had another commiſſion, empowering them to negociate with any perſons of the kingdom of Scotland, having ſufficient powers for themſelves and that kingdom, either general or particular truces by land or ſea, and for what time they pleaſed, between the king and kingdom of England, and the perſons aforeſaid, for themſelves and the Scottiſh kingdom. Theſe commiſſions were iſſued by the king at Southampton, a few days before he ſailed for France; and while he yet remained at Southampton, he received intelligence from the North †, that

Ib. p. 303. Aug. 6.

Ib. p. 307, 310.

* To Henry Percy he granted his lands clere
That to the duke of Bedford then given were. Hard. c. 209.

† This intelligence is ſaid to have been ſent from the earl of Northumberland, warden of the eaſt-march, towards Scotland, from his caſtle of Warkworth; and from Sir Robert Umfranville, in letters dated at Berwick. Young Henry Percy was reſtored to the dignity of earl of Northumberland in the laſt Engliſh parliament, but was not liberated from his captivity in Scotland, till the end of this year, or the beginning of the next. How comes he then to be now at Warkworth, or to be called warden of the eaſt-march, when it appears that the duke of York had that office?

Harding.

Henry V. K. of England. 1415.

that the duke of Albany purpoſed, in a few weeks, to beſiege Berwick by ſea and land; that, in this undertaking, he was to be accompanied by all the ſtates of Scotland, and an army of ſixty thouſand men; and that cannon and other warlike ſtores, neceſſary for carrying on this ſiege, were already ſhipped on board ſeveral veſſels. The duke of Bedford, regent of England, was, in conſequence of theſe preparations, to ſet out towards Leiceſter, and to advance farther northwards, according to the intelligence he received concerning the Scots, either laying ſiege to Berwick, or otherwiſe entering England. And letters were written, in the king's name, to the nobles and great men in different parts of the kingdom, to be ready to attend him in this expedition with their followers. But either the Scots were not duly prepared for ſuch an undertaking, or ſuch meaſures were taken by the Engliſh for their reception, as obliged them to give it up; for hiſtorians mention no warlike tranſactions on the eaſtern marches this year. On the weſtern, there were mutual inroads; wherein Dumfries was burned on the one ſide, and Penrith on the other.

Rym. vol. ix. 323, 324. Dec. 11.

King Henry, ſoon after returning from his ſhort, but glorious campaign in France *, took the neceſſary ſteps for perfecting the exchange of Murdoch Stewart for Henry Percy. He appointed four commiſſioners † for ſettling with the governor of Scotland, or commiſſioners from him, the conditions and circumſtances of this exchange; and ſent along with them a written obligation, by which he bound himſelf, on his good faith and royal word, that upon Henry Percy being given up to his commiſſioners in a ſtate of entire and perfect freedom, at ſuch time and place as the commiſſioners on both ſides ſhould agree, he would cauſe his priſoner Murdoch Stewart to be delivered in the ſame ſtate to the commiſſioners from the duke of Albany. He alſo gave an order and powers to Richard lord Grey, whom he had made warden of the eaſt marches, in room of his couſin the duke of York, who was ſlain a few weeks before at the famous battle of Agincourt, to grant in the king's name ſafe-conducts to all perſons coming towards the ſaid marches, from the kingdom of Scotland, for agreeing and tranſacting this exchange ‡. The exchange was accordingly effected; and Henry Percy took his ſeat in the next Engliſh parliament as earl of Northumberland, and in that quality paid his homage to the king. A ſum was alſo paid by the duke of Albany to the earl, as the ranſom due for Murdoch Stewart; who had been the priſoner of the earl's father, or grandfather, at the battle of Homeldon.

Rym. vol. ix. p. 405.

Harding ſays, That Sir Robert Umfranville, who had at that time the keeping of Roxburgh caſtle, fought at Geteryng this year with the Scots, on Madelyn day (July 22d or 23d). Umfranville had but ſeven ſcore ſpears and three hundred bows, with which force he diſcomfited four thouſand Scots, and chaſed them twelve miles into their own land. He took three hundred and ſixty priſoners (xviii. ſcore), and ſlew ſixty, and put to flight one thouſand. (So the verſe, but the proſe title of the chapter ſays, the Scots were four thouſand.) Umfranville went afterwards with the king to the ſiege of Harfleur, accompanied by Harding. *Where is Geterynge?* Hard. c. 212.

* He gained in this campaign the famous victory at Azincourt, on Criſpin and Criſpinian's day, *i. e.* Oct. 25. Harding.

† Theſe were, Sir Ralph Eure, and Sir William Claxton, John Huntman maſter in theology, and Richard Holme licentiate in laws.

‡ A like order and powers were ſent to John Neville, ſon to Ralph earl of Weſtmoreland, who was now warden of the weſt marches, in room of his father.

The

The following year, and part of the next, were employed by Henry in various negociations, for promoting his mighty project of acquiring the crown of France; or, at leaſt, of recovering what had been yielded to Edward III. by the treaty of Bretigny. Thoſe negociations were carried on with the grandees of France, who remained his priſoners ſince the battle of Agincourt; with the heads of the factions of Orleans and Burgundy, who ſacrificed all public regards to private ambition and revenge; and with the emperor Sigiſmund, and other foreign princes. A truce, during part of that time, was concluded with France, in which Scotland was comprehended; and, while this truce continued, a private agreement was made between Henry, and his priſoner the king of Scotland ‡, by virtue whereof, James was to be allowed to go into Scotland, and to continue there a certain time; upon his leaving with the king of England ſufficient hoſtages for his paying 100,000 merks, if he did not return in perſon within the time limited. The biſhop of Durham, with the earls of Northumberland and Weſtmoreland, had the charge of receiving the oaths and obligations of the Scottiſh king and his hoſtages, for the fulfilling of this agreement; and alſo of examining and determining, according to their beſt diſcretion, whether the perſons, offered as hoſtages, were able to pay the above-ſaid ſum. Safe-conducts were alſo iſſued to ſeveral of the principal men in Scotland, who were to come into England to aſſiſt in bringing this agreement into effect. But Henry ſtill perſevering in his views on the ſide of France, and probably finding the Scottiſh nobles attached to their old ally, with a zeal that was much more likely to engage the young monarch in their meaſures, than to be quaſhed, or otherwiſe directed by him; all theſe ſteps tending to regain the liberty of James, proved, for the preſent, ineffectual.

James I. K. of Scotland.

A. D. 1416.

Rym. vol. ix. p. 417, 418.

A ſhort time before the Engliſh king ſet out on his ſecond expedition to France, he authoriſed Henry Percy, earl of Northumberland, who was now warden of the eaſt march, to treat or conclude, either a general or particular truce, by land or ſea, with any ſufficiently empowered from the kingdom of Scotland, for what time he thought proper. But, inſtead of entering into any ſuch treaty, the Scots, ſoon after Henry paſſed over into France, advanced, with the duke of Albany at their head, towards Roxburgh; and in the neighbourhood of that place defeated a body of Engliſh troops. The governor afterwards croſſed the border; but had not penetrated far into England, when the earls of March and Douglas prevailed with him to retreat *. They did not think it prudent to riſk an engagement againſt an army of one hundred thouſand, whereof forty thouſand are ſaid to have been good troops; who were marching towards them under the command of the dukes of Bedford and Exeter. Nor did the Engliſh purſue the Scottiſh army into their own country, judging it better to content themſelves with a defenſive war on that ſide, while

A. D. 1417. Rym. vol. ix. p. 458.

Fordun.

Walſing. p. 399.

‡ In the original paper, here referred to, he is entitled, James Stewart, *who calls himſelf king of Scotland.*

* Other authors ſay, That upon the approach of the Engliſh army, the Scots abandoned the ſieges they laid both to Roxburgh and Berwick, with ſo much hurry and confuſion, that they left all their tents, ladders, and engines behind them. Eachard ap. Aber. Drake's Hiſt. Anglo-Scotica, p. 196, 197.

Henry V. K. of England.

their king, and the flower of their nobility and forces, were purſuing their conqueſts in France †.

A. D. 1418. Rym. vol. ix. 552. 570.

To ſave the borders, however, as much as poſſible, the wardens had powers to conclude with the governor of Scotland, either particular or general ſhort truces, even for the ſmall ſpaces of one or two months ‡. The Scottiſh warriors began alſo about this time to be ambitious of reaping laurels, in the buſier and nobler ſcenes that France preſented. Some ſmaller bodies had gone thither before; but in 1419, or 1420, no fewer than ſeven thouſand were ſent over, under the command of John Stewart, earl of Buchan, the governor's ſecond ſon, as auxiliaries to the dauphin, in the unnatural war he was obliged to wage againſt his diſtracted father and abandoned mother, combined with the king of England and faction of Burgundy, in league with the king of England. In the former of theſe years, William Haliburton of Faſtcaſtle, took the caſtle of Wark; which was then in the keeping of Robert Ogle, and put all the garriſon to the ſword. But it was ſoon after recovered by the Engliſh; for ſome of theſe who were well acquainted with the place, made their way into it through a ſewer, which diſcharged the filth of the kitchen into the Tweed; and then breaking down a piece of a decayed wall, opened an entry for their companions. The Scotch garriſon, being thus ſurpriſed, were all killed on the ſpot, in revenge of the ſlaughter which they and their countrymen had committed a ſhort time before.

A. D. 1419. Fordun.

A. D. 1420. Sept. 3.

In the year following, the governor of Scotland died in a very advanced age *, and was ſucceeded in the adminiſtration by his ſon Murdoch; the ſame who had been ſo long a priſoner in England. The old governor died of the plague; which raging at that time in the north of England, as well as in Scotland, obliged the earl of Douglas to return ſooner than he intended, from an inroad he had made this ſummer into the Engliſh borders; wherein he burned Newark, and gained conſiderable booty. But in the following ſummer we find this earl engaged in very different meaſures. Henry V. after three years abſence in France, had returned in the beginning of this year to England, with his young queen Catharine. The king of Scotland had been a conſiderable time in France, being carried thither, in the vain expectation, either of

Fordun.

A. D. 1421.

† In the courſe of this war, Sir Robert Umfranville, governor of Berwick (Harding erroneouſly makes him governor of the eaſt march), made great devaſtations in Scotland for two years, aſhamed of being idle, while his maſter was performing ſuch great exploits in France. According to Harding, he burnt all the eaſt march, with all its market-towns, Hawick, Selkirk, Jedburgh, Dunbar; Lauder, alſo with Lauderdale, likewiſe the foreſts, *fro Berwick that were far, Jedworth, and all Tividale, with all their villages great and ſmall*, without any help, but of his countrymen of the Biſhoprick, and of Northumberland. Theſe exploits of Umfranville, if they happened in the time of Henry the Fifth's ſecond expedition into France, as Harding ſays they did, are by that chronicler erroneouſly connected with, and placed after the ſieges of Berwick and Roxburgh, which happened in the beginning of Henry the Sixth's reign. Hard. c. 218.

‡ Such a commiſſion is given to Sir John Neville, warden of the weſt march, or his lieutenant, in the pages referred to of Rymer.

* Bower, the continuator of Fordun, places his death in 1419, September 3, and gives his epitaph in Latin verſes, which agrees with this account:

Anno milleno quater C. X. que noveno,
Ejuſdem Flamen || cum Chriſto gaudeat. Amen. Ford. l. 15. c. 37.

|| Spirit.

drawing his ſubjects from the intereſt of the dauphin, or at leaſt repreſſing the ardour of their efforts in his ſervice. James having returned from France, along with the king and queen of England; the earl of Douglas, together with Walter Stewart earl of Athol, obtained, ſoon after, licenſe to come into England; and the former of theſe earls *, by order of his own king, entered into a contract with the king of England, wherein he obliged himſelf to give him aid and ſervice againſt all men, excepting the king of Scotland, and his heirs and ſucceſſors. The aid he bound himſelf to furniſh, conſiſted of two hundred men at arms, knights and eſquires, and two hundred archers on horſeback, who, from the day of their being firſt muſtered on Engliſh ground, were to receive ſuch wages as the king of England paid to other forces of the ſame quality, employed in the ſame ſervice. Theſe forces, on warning given to the earl, by the middle of the enſuing February, were to be at Newcaſtle on Eaſter-day following, or fourteen days after it, if he was to go to his lord the king of England by land; but if he was to paſs towards him by ſea, they were to be at Berwick at the term of Eaſter, or ten days after it. In conſideration of this ſervice, the earl was to receive, during life, an annual fee, or penſion, of 200l. On the day after the date of this contract, another was drawn up with the king of Scotland, which bears, that it was concluded by the intervention of Archibald earl of Douglas. The king of England therein engages on his royal word, that if, in three months after his own, and the king of Scotland's return from an expedition into France, on which they were at that time preparing to ſet out, the king of Scotland ſhould deliver as hoſtages, a certain number of the chief men of his kingdom, he ſhould be allowed to go into Scotland, and remain there for a time to be afterwards agreed on by the two kings. Thus Henry availed himſelf of his royal priſoner to preſerve quiet on the ſide of Scotland, which depended ſo much on the earl of Douglas. And though Douglas's eldeſt ſon was at this time fighting againſt the Engliſh in France, the father, either from attachment to his ſovereign, or ſome diſpleaſure with the governor of Scotland, entered into the league above related with the Engliſh king; but as the alliance was unnatural, it does not appear any part of it was carried into execution. Henry alſo, before ſetting out on this expedition, committed the keeping of the town of Berwick, and wardenſhip of the eaſt march, to Henry Percy, earl of Northumberland; for this Percy was to receive in time of war 5000 l. and in time of peace or truce between the kingdoms, half of that ſum to be paid by advance quarterly out of the king's exchequer †.

James I. K. of Scotland. 1421.

Rym. vol. x. p. 123.

May 30.

Ib. p. 126.

In the year following, the king of England died in France, in the middle of his career of victory and glory; leaving for his ſucceſſor, his infant ſon Henry VI. in whoſe name his uncle John, duke of Bedford, had the adminiſtration of the affairs of France; and his other uncle Humphrey, duke of Glouceſter, the charge of thoſe of England under Bedford. This ſudden revolution encou-

A. D. 1422. Auguſt 31. Monday. Henry VI. K. of England.

* Harding ſays, The earls of Douglas and Dunbar came to London, and took a truce with the king, which Umfranville had refuſed them for two years. Hard. c. 218.

† An indenture was drawn, containing an agreement between the king and Northumberland to this effect, for two years, beginning from the 11th of April 1421.

Henry VI. K. of England. 1422.

raged, the Scots to invade England, to which the governor was alſo excited by the earls of Buchan and Wigton, who had lately come over from France, to ſolicit farther aid to be ſent over to the dauphin. The governor himſelf, at the head of one army, inveſted Berwick; and another army, commanded by the earl of Douglas, laid ſiege to Roxburgh; but neither of theſe enterpriſes, though a good deal of time was ſpent in them, was attended with ſucceſs *. Soon after, the old earl of Douglas, tempted perhaps by the offers brought from France by his ſon, or emulous of the glory that he and his countrymen had gained there, paſſed over to that kingdom with 5000 men to the aſſiſtance of Charles VII. whoſe unhappy father Charles VI. expired a few weeks after Henry V. of England. The earl of Douglas was, by Charles VII. created duke of Touraine, and lieutenant general of all his armies; and not long after fell fighting bravely in his ſervice at the battle of Verneuil.

A. D. 1423.

At length the period of the king of Scotland's captivity drew near. The undutiful behaviour of the governor Murdoch's own ſons made him enter into ſerious meaſures for his ſovereign's enlargement; and the regency of England conceived hopes, that the preſence of James, whoſe talents they knew, amongſt his ſubjects, might more effectually reſtrain them from giving aid to France, or diſturbing the Engliſh borders, than any other method they could employ; and to ſecure him more effectually in their intereſts, they reſolved to give him to wife Jane of Somerſet †, a couſin of their own king; a ſhining beauty, and whom James paſſionately loved. The conditions of this deliverance were ſettled at York, by commiſſioners from the council of England; and others from Murdoch, governor of Scotland, and the three eſtates of that kingdom: and they afterwards received the ſanction of the Engliſh parliament. Beſides ſtipulating the marriage juſt mentioned, the ſum of 40,000 l. ſterling was to be paid by equal parts, in ſix years from the king's deliverance, as an equivalent for the expence of his education and maintenance, during his impriſonment in England; but the laſt 10,000 merks that became due in the courſe of theſe payments, the court of England engaged to remit, as the ſum allowed for the dowry of the Scottiſh queen. For the ſecuring of the payment of this ranſom, it was agreed, that the king of Scotland ſhould give ſufficient hoſtages, of the principal men of his kingdom; with liberty of exchanging them from time to time with others, who had eſtates or revenues of equal value.

Sept. 10. Ryn. vol. x. p. 299.

A. D. 1424.

In purſuance of this treaty, the king of Scotland was married to the lady Jane, in the beginning of February, in the following year. In March the royal pair came to Durham, where they were met by a numerous train of the moſt illuſtrious of their ſubjects. At that place the hoſtages agreed on were delivered to commiſſioners authoriſed by the court of England to receive them; and all kinds of ſecurities were mutually exchanged. There alſo the

* Hence this expedition againſt England was called, not very delicately, *The Dirtin Raid.* Holinſhed.

† She was daughter to John earl of Somerſet, ſon of John of Gaunt duke of Lancaſter, and of Katharine, daughter to Thomas Holland earl of Kent.

king

king of Scotland concluded a truce with the Engliſh commiſſioners, to continue ſeven years from the enſuing firſt of May. Beſides the general articles common to every peace or truce, obliging mutual abſtinence from all injury or violence either by land or ſea, this truce contained a number of regulations, for preſerving peace and order, and redreſſing wrongs on the marches, that deſerve our particular notice. They preſent us with the firſt diſtinct view of the meaſures agreed on by the neighbouring nations for theſe purpoſes; are probably an improvement on former eſtabliſhments of this nature; and plainly ſerved as a baſis for farther additions and improvements, which the experience of ſucceeding times ſhewed to be neceſſary or convenient. I. It was agreed then, that, if any of either nation ſhould take a fortreſs belonging to the other, the perſon from whom it was taken, might recover it by force, or otherwiſe, as he beſt could; and might alſo puniſh the aggreſſors, according to the exigency of the caſe. The conſervators of the truce on the ſide whoſe ſubjects took the fortreſs, were obliged to give the moſt ſpeedy and effectual aſſiſtance to the perſon whoſe fortreſs was taken, at the expence of the offending party; or, if he rather choſe it, the perſon thus injured, might require and ſummon the king and conſervators of the other nation, to cauſe his fortreſs to be reſtored, and the offenders that ſeized it to be puniſhed; which they, to the utmoſt of their power, ſhould be obliged fully and faithfully to accompliſh. II. It was farther agreed, that, if any of the vaſſals, lieges, or ſubjects, of one of the parties, ſhould commit a crime or treſpaſs in the territory of the other, it ſhould be lawful for that party to ſeize and puniſh the tranſgreſſors, according to the laws of the country where the offence was committed, and to the nature of the offence in queſtion; but if the offenders ſhould not be taken, but withdraw or make their eſcape into the dominions of their own king, the conſervators on that ſide, upon requiſition made, ſhould be obliged to deliver the perſons of theſe offenders, in order to puniſhment, to the conſervators of the other ſide, or their deputies, on the march where the offence was committed: but if theſe malefactors had concealed themſelves, or made their eſcape, ſo as they could not be apprehended, the ſovereign whoſe ſubjects they were, ſhould immediately baniſh them for ever out of all places of his dominions; not to be thereafter reſtored, nor allowed to enter or inhabit any place ſubject to him, until they had ſubmitted themſelves to juſtice, and made a full ſatisfaction to the injured party for the offence or treſpaſs committed againſt him: but whether any ſuch offender ſhould be baniſhed or apprehended, the conſervators on the part of the nation to which he belonged ſhould, in all caſes, be obliged to repair the damages he had done out of his goods, ſo far as their value extended. But where the offender when ſeized had not goods or poſſeſſions ſufficient to make compenſation, in that caſe he was to undergo the ſeverer corporal puniſhment; and whoever ſhould knowingly reſet, conceal, or give counſel, aid, or favour to, any ſuch offender, ſhould be liable in every reſpect to the ſame ſatisfaction and puniſhment as the malefactor himſelf, if he had been apprehended. III. Farther, as the offences of individuals were not to weaken or diſſolve the obligation of the preſent truce, but were to be repaired by the commiſſioners or conſervators,

James I. K. of Scotland.

1424. March 28. Rym. vol. x. p. 330, 331.

on

Henry VI. K. of England. 1424.

on the ſide whoſe ſubjects had offended, in the manner before declared, it was farther agreed, that whoever violated this order, by raiſing war, or beſieging, aſſailing, or taking towns or fortreſſes, or committing homicides or murders, on account of any injury received from the other ſide, or by ſeizing perſons, or making diſtraints or captures of goods, otherwiſe than by the authority and decree of the conſervators of the truce, ſhould, on that very account, loſe his cauſe; and over and above, ſuffer the puniſhment due to his offence, and reſtore and repair to the other party the full value of damages done him, or things taken from him. IV. It was alſo agreed, that, if any of the ſubjects of one of the kings ſhould make a bargain, or commit a crime, within the dominions of his own proper ſovereign, and afterwards, in order to elude juſtice, ſhould withdraw himſelf and eſcape into any place within the dominions of the other king, and there become the liegeman of the latter, he ſhould, notwithſtanding, be compelled to anſwer, ſatisfy, and undergo juſtice, with regard to any debt or offence of this kind, before the conſervators of the truce on either ſide, equally as he muſt have done if he had remained in the faith and allegiance of that king from whoſe dominions he fled: But if he had only fled and had not become the liege-man of the other king into whoſe country he had thus retired, he was in that caſe to be ſent back, and reſtored to his own ſovereign, in order to his being brought to juſtice as the law of his country required. V. Moreover, for enſuring the ſtrict obſervation of the truce, by opening to the ſubjects of each party free acceſs to proſecute the redreſs of their wrongs, it was agreed, that, if any ſubject of one of the parties ſhould commit a theft or other injury, within the marches or territories of the other, and after this theft or injury ſhould return by flight into his own country, it ſhould be lawful for the perſon who had ſuffered the wrong, while it was recent, that is within ſix days after it had been committed, by authority of the preſent convention, without other letters of ſafe-conduct, to purſue the malefactor, and in purſuit of him to enter ſafely and ſecurely the march or lands into which he had retired*: or, if the party injured rather choſe it, he might within the foreſaid ſix days, or at any time after, make his complaint to one of the wardens of the other ſide; and it was therefore agreed, that the wardens of the marches on each ſide, ſhould have power to give good and valid letters of ſafe-conduct, each to the ſubjects of the other ſide, for coming to ſeek juſtice from the king or his council, or the conſervators of that ſide, by any ſubject or ſubjects whereof the perſon injured affirmed he had been wronged, that perſon having, in the firſt place, made oath before the warden, that his real and only intention in aſking ſuch letters was to proſecute his cauſe and right, and that he would proſecute theſe effectually, and to the utmoſt of his power. Theſe articles make the principal part of the treaty concluded on the great event of James's reſtoration to his kingdom. It was agreed, that it ſhould be notified to the ſubjects of both realms, before the firſt of May; and that if, in that interval, any thing ſhould be acted contrary to it by the ſubjects of either kingdom, the offender ſhould not

* This purſuit of the malefactor was called the *Hot Trodd*.

thereby

thereby become liable to make reparation, as guilty of a breach of the preſent truce. Several of the chief men in each kingdom, together with the admirals of England, and the Engliſh and Scottiſh wardens of the marches, were appointed conſervators of it †. Of theſe the wardens and admirals had full power to amend and redreſs all violations of it, and puniſh the tranſgreſſors, within the bounds of their ſeveral diſtricts; and the reſt were inveſted with the full power and charge of doing the ſame.

James I. K. of Scotland. 1424.

All preparatory ſteps towards the king of Scotland's deliverance being thus completed, he ſet out from Durham, upon one of the laſt days of March or firſt of April, attended by a numerous train, not only of his own ſubjects, but of the gentlemen of Northumberland; who were ordered ‡ to accompany him as far as Scotland, in the moſt honourable manner they were able. He entered Scotland, probably, by the road that conducts to Melroſe; for, at the abbey of that place, he ratified, by his letters patent and oath, the treaty concluded in England for obtaining his freedom; in fulfilment of an article of that treaty, which obliged him thus to confirm it, within four days after entering his kingdom.

Rym. vol. x. p. 332.

James found great difficulty in raiſing the money he had bound himſelf to pay to the court of England. He attempted it by a general tax impoſed with conſent of a parliament which he held ſoon after his return; but the commons of Scotland, unaccuſtomed to ſuch burthens, and very unable to bear them, murmured ſo much that the king remitted a great part of the ſum ordained to be levied. Hence, inſtead of the regular payments of 10,000 merks, that ſhould have been made at annual ſtated terms, it appears that payments were made in much ſmaller ſums; and alſo deferred beyond the terms at which they became due. In 1425, the earl of Northumberland got a grant out of the firſt money then due by the king of Scotland, of 2000 merks, in part of a ſum contracted to be paid him, for the diſcharge of an old and new debt, for wages to himſelf and ſoldiers maintained by him, for the defence of the town of Berwick and the eaſt-marches. Three years after (*a*), the Engliſh king's treaſurer at Calais was furniſhed with diſcharges for 10,000 merks, to be paid him, in name of the king of Scotland, each diſcharge being for a thouſand; and out of this ſum the ſaid treaſurer was warranted to pay to the earl of

A. D. 1425. June 9. Rym. vol. x. p. 344, 345.

Ib. p. 406. (*a*) 8 July, 1428.

† The Engliſh commiſſioners who negociated this truce with the king of Scotland were, John biſhop of London, Thomas of Durham, Henry earl of Northumberland, Ralph earl of Weſtmoreland, and Richard Neville warden of the Weſt march, William Alnwick keeper of the privy ſeal, Thomas lord Dacre, John baron of Greyſtock, and Robert Umfranville. The conſervators of it on the part of England were, Humphrey duke of Glouceſter, Thomas duke of Exeter, Edmund earl of March, Richard earl of Warwick, Henry earl of Northumberland, Ralph earl of Weſtmoreland, Robert lord Willoughby, all the Engliſh admirals, the keepers of the marches of England towards Scotland, Robert Umfranville and Walter Hungerford knights. On the ſide of Scotland, Murdoch duke of Albany, Walter earl of Athol, Alexander earl of Mar, Archibald earl of Wigton, George earl of March, lord William conſtable of Scotland, John lord Seton, Thomas lord Somerville, James lord Dalkeith, John Forſter, and the keepers of the marches of Scotland towards England.

‡ The order was directed to Henry Percy earl of Northumberland, warden of the eaſt march, or his lieutenant; to Robert Ogle and William Heron knights, and the Sheriff of Northumberland, five or four of them.

Northumberland,

Henry VI. K. of England. 1425. A. D. 1426.

Northumberland *, 2000 merks, as his own wages and thoſe of the men at arms and archers employed in keeping the town and caſtle of Berwick; and alſo 1000 merks to John Skipton, clerk of the works there, to be laid out on the repairs of the caſtle and town. Towards the end of the ſame year, Skipton had aſſignments on the king of Scotland for 500 and 1000 merks, and was furniſhed with diſcharges † to be delivered to that monarch, in name of the Engliſh king, on payment being made. The council of England were very indulgent to James in this article of payments. They were alſo very compliant, in exchanging the hoſtages delivered at Durham, for others, which the hoſtages themſelves, or the king, procured to go into England in their room. The wardens of the marches had the charge of inquiring into the value of the eſtates of thoſe propoſed to be ſent in exchange; and, on their being ſatisfied that the revenues of theſe were equal to thoſe of the perſons whoſe places they were to ſupply, theſe exchanges were to be made. But as the king of Scotland had infringed the treaty of his deliverance in the article of his payments, the court of England had ſufficient ground to refuſe the exchange of hoſtages. James, ſenſible of this, had ſent a meſſenger to that court to apply for the exchange of ſome of his hoſtages; and upon his being favoured in this matter, he promiſed immediate payment of the ſums that remained due, beyond the terms that had elapſed. But the Engliſh court complained that he had failed of this promiſe; and that for a long time after, notwithſtanding their renewed inſtances, he had given them neither hope nor certainty of fulfilling his engagements; and put him in mind that their not exacting with rigour the payments of the ſums due, ought to be a prevailing motive with his generoſity to accelerate the diſcharge of his debt.

Rym. vol. x. p. 384.

A. D. 1427. Dec. 18.

As the court of England was, at this period, wholly taken up in maintaining and purſuing their conqueſts on the continent; ſo James found ſo much employment at home, in forming the interiour police of his kingdom, framing uſeful laws, and taming his fierce ſubjects to obedience, that it was equally agreeable to both ſides to preſerve quiet on the marches, and to give juſtice its free courſe, againſt thoſe who were guilty of diſturbing this tranquillity. For this purpoſe, a meeting of commiſſioners from both kingdoms, was, in the year after James's return, appointed at Berwick on the 15th of Auguſt; and proclamations were ordered to be made through Yorkſhire and Northumberland, warning all Engliſh ſubjects, who had ſuffered hurt or damage, in violation of the preſent or former truces between the kingdoms, to appear on the 16th of the month aboveſaid, in order to propoſe their complaints and demands, duly to proſecute them, and to produce, for their more ſpeedy diſpatch, what proofs and informations they were furniſhed with; that ſuch deciſions might be given as law and reaſon required. In the year following, a ſpecial commiſſion was given by the court of England, to a certain number of

Rym. vol. x. p. 347. A. D. 1425.

A. D. 1426. Ib. p. 358.

* In this laſt order, the earl of Northumberland is entitled warden of the eaſt march towards Scotland, and captain of the caſtle and town of Berwick. In the former, directed to himſelf, he is called Captain of Berwick.

† Skipton, in theſe diſcharges, is called clerk of the king's works at Berwick, and the other for reſſes on the marches.

James I. K. of Scotland.

those who had been appointed conservators of the truce, when it was first concluded, to take care of the execution of it, to redress its violations, and punish the infractors.

1428. Aberc. vol. ii. p. 282.

But in the summer 1428, the ancient alliances were solemnly renewed between Scotland and France, and a marriage concluded between the Dauphin and James's eldest daughter (*a*). Her dowry was a body of six thousand men, to be sent along with her, on board a fleet of French ships, that for this purpose should come over to Scotland, at any time after Candlemas the following year. The plain tendency of these measures which the council of England could not be ignorant of, was to break the peace between England and Scotland. In order to prevent this, Henry Beaufort bishop of Winchester, who was uncle to the queen of Scotland by the father, and had lately been made a cardinal, proposed a personal conference with his nephew the Scottish king; and a safe-conduct was granted to James to come into England, as far as Newcastle or Durham, with a thousand men as his retinue. The cardinal was, at that time, proposing to set out on a crusade against the Hussites in Bohemia, at the head of a body of troops he had been allowed to raise in England; so that he was particularly interested to preserve peace at home, and his arguments, or other arts, seem to have had sufficient influence with James, to prevent his sending succours at that time to France, or giving any disturbance to the marches of England.

(*a*) July 19.

A. D. 1429. Rym. vol. x. p. 408. 410.

A short time after, a commission was given by the council of England, to the bishops of Durham and Carlisle, Henry earl of Northumberland, and two others *, containing very extensive powers with regard to the affairs of Scotland. It authorised them to seek and obtain the money that remained due, by virtue of the contract for the Scottish king's liberation; also the deliverance of certain new hostages, agreeably to that contract, in the room of some who had died, and the redress of the breaches of the truce committed either by the king or his subjects. They had likewise power to discharge any sums received from the king of Scotland, as due to the English king, to cause reparation to be made for breaches of the truce committed by the subjects of England; and finally, to prolong the truce at present subsisting, or to negociate or conclude a new one, either on the same, or different terms. What was done by these commissioners in the execution of the trust reposed in them, doth not appear. But more limited powers were afterwards given by the kings of each nation, to certain commissioners †, who meeting at Hauden-Stank, made several regulations for mutual redress of injuries, and the speedy and effectual execution of justice, in all matters under debate between the subjects of the two kingdoms. They first agreed and enacted, that all kinds of vessels and goods taken at sea, and openly detained and proved to be

Ib. 410.

Rym. p. 428. July 12.

* These were, Sir Robert Umfranville, and Mr. Richard Arnald canon of the church of York.

† The English commissioners were, William bishop of Carlisle, Henry earl of Northumberland, Richard earl of Salisbury, Sir Robert Umfranville knight, and Master John Stokes doctor of laws. The Scots were, John bishop of Glasgow and chancellor of Scotland, Alexander bishop of Galloway, Sir John Forrester baron of Liberton, Master William Fowlis keeper of the privy seal, Sir Patrick Dunbar, Sir Thomas Kirkpatick, Sir John Cockburn, and Master John Scheves doctor in decrees.

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1419.

detained by ſufficient evidence, in violation of the truce, ſhould be ſet free and reſtored without delay. The earl of Northumberland had the charge of the execution of this article, where the captures in queſtion had been made on the eaſt ſea of England, to the north of the Humber, and the earl of Saliſbury within the limits of his wardenſhip of the weſt marches. The execution of it, on the part of Scotland, was committed to the lord chancellor of that nation, for all treſpaſſes to the ſouth of the Friths of Forth and Clyde: and in order to the plaintiffs of either nation proſecuting redreſs of ſuch wrongs, they were reſpectively to be furniſhed with ſafe-conducts from the Engliſh earls, or the Scottiſh chancellor. Plaintiffs belonging to Scotland, who were not prepared for the immediate proſecution of the recovery of their goods, were to deliver to the earl of Northumberland the names of the treſpaſſers, that they might be put under arreſt; and if theſe dwelt to the north of the Humber, ſafe-conducts were to be given to the plaintiffs to come to Warkworth, or other place appointed, before the feaſt of the Aſſumption of Mary, next enſuing; and any ſuch plaintiff was to bring along with him, ſufficient written atteſtations, under the ſeal of the town where he reſided, of the amount of his goods or damage, to be farther confirmed by his oath; upon which amendment and redreſs ſhould be made to him, agreeably to the tenure of the truce. And in like manner, Engliſh plaintiffs, in purſuing recovery of their goods and damages, were to have recourſe to the chancellor of Scotland, for harms done to the ſouth of Forth, on the eaſt ſea, and of Clyde on the weſt ſea, of Scotland. The earl of Saliſbury was in like manner charged with the weſt ſea, ſo far as his diſtrict of wardenſhip extended. And in order to the more full and complete redreſs of what happened not to be done before the feaſt aboveſaid, or of harms done in that interval by ſea, in violation of the truce, it was agreed, that four perſons on each ſide; that is, two knights, a clerk, and a ſquire, for the eaſt march; ſhould meet on the day after Martinmas, at Redden-Burn, for the eaſt ſea *, and other four of like quality at Cloughmabanſtane, for the weſt ſea, with ſufficient powers from the kings of each nation, to make full redreſs of all treſpaſſes committed againſt the tenour of the truce. In the next place, with regard to the treſpaſſes committed on the marches by land, it was agreed and concluded, that the deputies of the marches ſhould honeſtly, and without reſpect of perſons, examine and finally decide, all complaints of treſpaſſes of whatever kind done in the marches, according to the beſt of their judgment, and as far as they could agree. But in caſes where they could not agree, but fell into doubts and contradictions, they were appointed to certify this to four perſons of the one and other nation, who were nominated at the preſent meeting †, and

* Commiſſions were accordingly iſſued by the king of England on the 15th of October, to four commiſſioners of thoſe qualities, to meet with others from Scotland, at the places appointed. Thoſe appointed to go to Redden-Burn, were, Sir Robert Ogle, Sir William Elmeden, Maſter Thomas Cleveland batchelor of laws, and William Lambton eſq; Ib. p. 435.

† Thoſe on the part of England were, Sir John Bertram, Sir Chriſtopher Curwen, Mr. Thomas Valdale, and William Lamberton; and on the part of Scotland, Sir Thomas Kirkpatrick, Sir Patrick Dunbar, Maſter Thomas Rule, and David Home.

charged

charged by the lords commiſſioners, honeſtly and impartially to examine all doubtful and controverted points laid before them by the deputies, and to give a full deciſion of them according to their beſt judgment, and as they could agree: but where doubts and controverſies aroſe, that they could not agree in determining, they were to give information to the lords commiſſioners of ſuch caſes in writing, in order to a final determination by *them*. And both the deputies and examiners of theſe difficult points, were ſworn on the Goſpels to be faithful to their charge. It was farther agreed, for the clearer explication of what is contained in the above articles, that proclamation ſhould be made to the parties plaintiff on both ſides, to attend at the times, days, and places, above appointed, to produce their grievances and complaints, together with the proofs of the injuries done them. And with regard to the proofs it was agreed, that they ſhould bring in, at the day and place prefixed, and preſent to the commiſſioners, ſufficient written atteſtations of men of worth and credit of the city, burgh, town, or port, where the plaintiffs reſided, or elſe of the place neareſt that part of the ſea where the treſpaſs was committed, ſpecifying the goods taken, with their value, under the ſeal of the admiral or magiſtrates of the place. Their damages and coſts they were to ſwear to, and the eſtimate of them was to be made according to their oaths; but with a power to the conſervators, or ſpecial commiſſioners, to moderate theſe damages according to their diſcretion. By ſuch evidence, when appearing to the commiſſioners on both ſides ſufficient, treſpaſſers were to be convicted; but in caſe it ſhould happen, that theſe ſhould be able to defend themſelves by evidence of more weight and authority, and in order to the ſpeedy diſpatch of ſuch trials, it was reſolved, that all treſpaſſers complained of on either ſide ſhould be put under arreſt, and their goods in ſufficient keeping, until ſuch time as they ſhould find ſufficient bail for their appearing to anſwer at the times and places above mentioned; and their names were to be concealed, and no warning given on either ſide, until this arreſt was executed upon them. Finally, it was agreed, that all perſons taken priſoners at ſea ſhould be inſtantly ſet at liberty, on reaſonable ſecurity; and where it appeared they had been unlawfully ſeized, they ſhould pay no ranſom nor coſts, but ſhould recover the hurt or damage they had ſuſtained from thoſe who took and detained them priſoners; alſo, where it appeared, that they had been taken lawfully, the captors ſhould be allowed ranſom and coſts; but thoſe who had paid ranſom, where it was not due, ſhould be completely refunded.

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In the beginning of the following year, a ſafe-conduct was granted by the regency of England, to no fewer than ſeventeen Scotch ambaſſadors and commiſſioners, with eight hundred attendants to come to Hawden-Stank, or any other convenient place; at the ſame time, nine perſons were authoriſed on the part of England, to treat with them; wherein, beſides other articles, uſual in commiſſions of this nature, given ſince the laſt truce, they were empowered to treat concerning a perpetual and final peace, by the means of a marriage between the royal families. The project, probably, was to ſubſtitute the young king of England, in the room of the Dauphin of France, as a huſband to the princeſs of Scotland. It is likely, that the voyage of the king of Eng-

A. D. 1430. Jan. 24. Rym. vol. x. p. 446, 447.

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1429. Rym. vol. x. p. 482.

land to France in order to be crowned at Paris, prevented the intended meeting on the marches: but the expiration of the laſt truce now approaching, a meeting was held by virtue of new commiſſions, in the December following; and on the 15th of that month, a truce was concluded at Edinburgh, to continue five years after the expiration of that which then ſubſiſted.

The articles in this truce, calculated for preſerving order and repairing treſpaſſes committed on the borders, are the ſame with thoſe of the truce of Durham, with the addition of one relating to fugitives from either kingdom into the other, on account of treaſon or rebellion againſt their lawful ſovereigns. By this, it was agreed, that although ſuch offenders had received aſſurance of protection or a ſafe-conduct, yet the king who had granted this, or his warden, on requiſition being made by the king, or warden of the other ſide, ſhould be obliged, within forty days after the making of ſuch requiſition, to revoke or annul the protection or ſafe-conduct granted to any ſuch fugitive, and to reſtore and deliver him up to the other party; as in the caſe where he had fled from juſtice, without becoming the liege-man of the king into whoſe territories he had fled; and although any ſuch traitor or rebel ſhould offer the party to whom he had fled, his oath of allegiance and fealty, yet he ſhould not be admitted to this allegiance or oath, until forty days after ſuch offer was made. In this truce, the articles concerning the reparation of treſpaſſes committed at ſea were conſiderably enlarged; and as it appears from the proceedings at the meeting of commiſſioners, held at Hawden-Stank in the former year, that ſuch treſpaſſes were often a principal ſubject of the deliberations of ſuch meetings, it cannot be conſidered as foreign to the deſign of this work, to give an account of the articles of this nature, eſtabliſhed by the preſent, or like ſubſequent treaties. The former truce at Durham, contained only one ſhort article relating to ſea affairs.—This was, I. That if, during the time of that truce, it ſhould happen, that any merchants, paſſengers, or fiſhers, of either ſide, ſhould be obliged by winds, or ſtorms, to enter any port belonging to the other, it ſhould not be lawful to that other party to ſeize their perſons, their ſhips, or goods; but they ſhould be allowed to depart as ſoon as they conveniently could from ſuch ports, without any hinderance from the other ſide; and whatever injury in ſuch caſes was committed in breach of the truce, ſhould without contradiction or difficulty, be repaired by the party offending, to the full amount of damage done. This article was preſerved in the truce now concluded; and the following were added, for the farther ſecurity of navigation and commerce.—II. If it ſhould happen, that any of either nation, in conſequence of ſuffering ſhipwreck, or by reaſon of evident ſickneſs, or want of victuals, ſhould land on the coaſt of the other, or ſhould be ſet on ſhore, and left behind by the reſt of the crew, without fault, deceit, or bad intention on their part, they ſhould be allowed to paſs ſafely and ſecurely, with all convenient ſpeed, to their own country; being furniſhed for this purpoſe with letters of atteſtation, to be granted without difficulty, and at a moderate expence, by the port, town, or corporation, where they had landed; which atteſtations ſhould, in ſuch circumſtances, ſerve them as a ſafe-conduct; provided always, that they ſhould not in the mean while attempt, or procure,

any

any thing prejudicial to the king, his kingdom, or lieges.—III. It was alſo enacted, that if, during the preſent truce, it ſhould happen, that any merchants, pilgrims, or fiſhers, or any other ſubject of either kingdom, ſhould, in violation of the truce, be taken, ſpoiled, or robbed of his goods, by the ſubjects of the other, it ſhould be lawful for the perſon thus injured to proſecute and call to account, in order to his obtaining reſtitution and redreſs, not only the principals immediately active in ſuch injuries, but alſo thoſe into whoſe hands the goods had come, and alſo thoſe who had knowingly entertained the treſpaſſers, and likewiſe, the cities, towns, and communities, of the ports and other places, in which ſuch goods or merchandiſes, unjuſtly ſeized in the manner above expreſſed, had, in violation of the preſent truce, being publickly received, ſold, or diſtributed.—IV. Finally, it was added on this head, that if, during the preſent truce, any treſpaſs againſt it ſhould be committed at ſea, by the ſubjects of either ſide, it ſhould be lawful for the injured party, to proſecute redreſs before either the conſervators of the truce, or wardens of the marches, as he ſhould judge it moſt convenient. Another material article, of a more general nature, was added in this truce, relating to the characters of thoſe, who, during its continuance, ſhould be admitted to offices, put upon aſſizes, or allowed to give evidence. From theſe privileges, all infamous perſons, rebels, fugitives, traitors, or ſuch as had been convicted by an aſſize, were excluded; and good, faithful, juſt, creditable, and unſuſpected perſons, were declared to be alone capable of them *.

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In the firſt years of this truce, a good underſtanding ſeems to have ſubſiſted between the courts of England and Scotland; although part of the money

* The conſervators of this truce on the part of England were, Humphrey duke of Glouceſter, Richard earl of Warwick, Henry earl of Northumberland, Richard earl of Saliſbury, Ralph earl of Weſtmoreland, Robert lord Willoughby, Thomas lord Dacre, Walter lord Hungerford, Sir Robert Umfranville, all the Engliſh admirals, and the keepers of the marches of England towards Scotland. Thoſe on the part of Scotland were, Walter earl of Athol, William earl of Angus, George earl of March, Alexander earl of Mar, Alexander earl of Crawford, William conſtable of Scotland, James Douglas lord of Balveny, James lord of Dalkeith, Thomas lord Somerville, Walter lord Dirleton, John Forſter of Corſtorfyn, Herbert lord Maxwell, all the admirals of the Scottiſh king, (Did James introduce that office into Scotland? There are none mentioned in the truce 1424,) and the keepers of the Scottiſh marches towards England. The powers of theſe were the ſame as in the former truce.

There was a clauſe in the *former* truce, relating to the ſubjects of Scotland who were in the ſervice of the French king. Concerning theſe, James declares, that though it was not in his power to hinder them from committing hoſtilities againſt the Engliſh, in their preſent ſituation, yet it was not his intention to be anſwerable for their behaviour; or, that they ſhould be comprehended in the preſent truce, until their return to their own country; but that after they had returned, he would oblige them to refrain from deeds of war, during the continuance of the truce. In the *preſent* truce, there is an article that regards the ſame perſons, but is expreſſed in terms more general and implying a mutual obligation. It declares, that if, during the preſent truce, any of the ſubjects of either of the kings, ſhould go into the aid or ſervice of the enemies of the other, it ſhould be lawful for the latter, or his ſubjects, to ſeize ſuch perſons while going to, remaining in, or returning from ſuch ſervice. And this is continued in ſubſequent treaties.

It is farther to be obſerved of this truce, that it was general by ſea, but by land particular; the exceptions from it being in England, all that lies to the ſouth of St. Michael's Mount in Cornwall, as far as the ſea, and in Scotland, all on the north of the river Forn, which ſeparates the ſhires of Murray and Roſs, as far as the ſea.

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agreed to be paid for the expences of James's ſupport in England, remained ſtill due, after the laſt term fixed for its payment was elapſed; yet the exchange of hoſtages, as ſtipulated in the contract of the king's liberation, was ſtill allowed by England. Fifteen of them were, in the ſecond year of the preſent truce, allowed to return home, on others entering themſelves in their room, who had been accepted by Henry earl of Northumberland, as equivalent in eſtate and poſſeſſions to thoſe who were diſmiſſed. In the end of the year following, certain commiſſaries appointed on each ſide for reparation of treſpaſſes, agreed, that they, or other lords, of each kingdom, ſufficiently empowered by their reſpective ſovereigns, ſhould, on the firſt Monday of the following Lent, hold a peaceable meeting at Redden-Burn, or ſome other place to be afterwards fixed: they alſo agreed, that the names of thoſe Engliſhmen who were complained of by the ſubjects of Scotland, together with the complaints themſelves, ſhould be lodged with the mayor of Berwick; and in the ſame manner, the names and accuſations of Scotchmen charged by thoſe of England, ſhould be lodged with the prior of Coldingham, before the 25th of March; and proclamations conformable to this agreement, were ordered to be made in England. But the tranſactions of this March-day meeting, probably being of ſmall importance, are not preſerved in the Engliſh records. In the fourth ſummer of this truce, the biſhop of Carliſle, together with a knight and doctor of laws *, were appointed commiſſioners from the Engliſh king to treat of a peace, or prorogation of the truce with Scotland, to aſk and give reparation of treſpaſſes, and to demand, receive, and diſcharge, the ſums ſtill due to the Engliſh king, by virtue of the contract for the king of Scotland's liberation. Whether any commiſſion, correſponding to this, was, about the ſame time, given by the king of Scotland; or what was tranſacted, in conſequence of ſuch appointments, does not appear. But it appears ſomewhat ſingular, that James ſhould, in the November following, give a commiſſion with very ample powers to his *Snawdon officer at arms*, to negociate and conclude with one or more deputies from the king of England, a prorogation or renewal of the truce, and alſo, to confer and treat concerning new affinities to be contracted between him and his couſin of England. It is ſufficiently evident, that the main purpoſe of theſe commiſſions, was not obtained, and alſo, that the failure was not owing to the want of inclination in the court of England to preſerve peace between the kingdoms. For that court gave two commiſſions more, one in the following ſummer, of the ſame tenour with that in the ſummer preceding, addreſſed to many of the chief men of the north; and another in the enſuing February; in neither of which commiſſions, is there any mention made either of demanding new hoſtages, in room of thoſe deceaſed, or of ſeeking payment of the balance remaining due by the Scottiſh king. And in the beginning of March, a letter was written to the Scottiſh king, in name of the king of England, wherein the latter declared his willingneſs ſtill to treat of the prorogation or renewal of the truce; notwithſtanding that no effect had followed, from his former ap-

1429. Rym. vol. x. p. 509.

A. D. 1433. Ib. 564.

A. D. 1434. Ib. 596.

Ib. 599.

July 20. Rym. vol. x. p. 620.

Ib. 629.

A. D. 1436. Ib. 635.

* Sir William Ewer and Mr. Stephen Wilton.

pointment

pointment of commiſſioners, to whom he had given full powers and inſtructions.

James I. K. of Scotland.

1436.

The Scottiſh hiſtorians relate, that ambaſſadors having about this time come into Scotland from France, to ſolicit the fulfilment of the marriage-contract between the Dauphin and eldeſt princeſs of Scotland, which had been agreed eight years before; an embaſſy was ſent from England, at the head of which, was the lord Scroope, in order, if poſſible, to prevent this union between Scotland and France. It is affirmed, that the Engliſh ambaſſadors, as the price of the Scots renouncing their ancient league with France, and concluding a perpetual peace with England, offered their king in marriage to the Scottiſh princeſs, and the reſtitution of Berwick and Roxburgh, together with all that the Scots anciently poſſeſſed in England, as far as the Re-croſs in Yorkſhire; and that the propoſals of both nations were laid by James before his parliament, who, ſwayed by ancient prejudices, declared on the ſide of France, and rejected with contempt the offers of England.

Ford. l. 16. c. 23. Aberc. vol. ii. p. 296.

Whatever truth there is in this relation, it is certain, that the preſent ſituation of all the three kingdoms, rendered the cloſe alliance of James with France, a much ſafer and wiſer meaſure than when it was firſt concluded. The intereſt of England in France had been upon the decline, ever ſince the appearance of the celebrated Maid of Orleans; and in the year preceding that which is at preſent under our view, was irrecoverably ſunk by the reconciliation and peace concluded between the French king and the duke of Burgundy, and by the death, that ſoon followed, of the very wiſe and brave Engliſh regent, the duke of Bedford. Far the greateſt part of the Engliſh conqueſts were actually recovered by the French monarch, and he was in the faireſt way of regaining all the reſt. The Engliſh, however, unwilling to abandon their great acquiſitions, and ſtill greater hopes, continued their vain efforts to revenge themſelves of the duke of Burgundy, and maintain their footing in France; which made them the leſs formidable to their neighbours at home, and the leſs able to reſiſt their attacks. On the other hand, the ſituation of James's domeſtic affairs were greatly improved; he had gained the eſteem and affection of his people by many wiſe and excellent laws, by the introduction and encouragement of uſeful arts, and by a ſtrict and regular adminiſtration of juſtice: he had ſubdued the ferocity of the inhabitants of the Highlands and Iſles, partly by arms, and partly by a rigorous execution of juſtice againſt offenders; and, by ſome ſevere examples, had taught his haughty barons the regard due to their ſovereign; which they had almoſt forgotten under the weak and licentious adminiſtration of the two governors. By the confiſcation of the great eſtates of Murdoch, the laſt of theſe and his two ſons, and by ſeizing, in other inſtances, into his own hands, what the feudal right of the ſovereign gave him a title to, inſtead of profuſely beſtowing ſuch acquiſitions on rapacious and inſatiable courtiers, he had greatly improved the revenues of the crown. A late inſtance of the treatment of one of the moſt illuſtrious of his nobility appears ſo ſevere, that it ſeems to indicate ſome circumſtances of guilt in the object of his reſentment, that have not been diſtinctly recorded by hiſtorians. The perſon thus treated was,

George

Henry VI. K. of England. 1436.

George Dunbar earl of March, ſon and immediate ſucceſſor of him, who had transferred his allegiance to Henry IV. of England, in the time of Robert III. of Scotland, and returning afterwards to his native country, was pardoned and reſtored to his honours, and the greateſt part of his eſtate, by Robert duke of Albany the governor. This earl had died about twenty years ago, and his ſon retained the undiſturbed poſſeſſion of his inheritance, during the firſt eleven years of James's reign. But the king alleging as the ground of his proceedings the long and obſtinate rebellion of the old earl, firſt ſeized the caſtle of Dunbar; and then proſecuting the earl before a parliament, held at Perth in January 1436, obtained a ſentence from certain delegates of that aſſembly, declaring, that, by reaſon of the forfeiture of the former earl in the reign of the king's father, his earldom of March and lordſhip of Dunbar, with all the other lands held by him of the crown of Scotland, did of right belong to the preſent king both in property and poſſeſſion. The principle on which this judgment was grounded, was, that the governor had exceeded the powers of his office, in reſtoring a baniſhed rebel, and giving back an eſtate to him, which had by forfeiture become the property of the crown; and that the king had the ſame power to recover what was thus given away, as by the conſtitution belonged to him, of reſuming crown-lands that had been alienated during his minority. It appears from the Engliſh records, that George Dunbar earl of March and his ſon Patrick, were ſomewhere in the territories of England, in the month preceding the above-ſaid trial in parliament; and that they obtained at that time a ſafe-conduct from the king of England, to continue in force for a year after the 25th of the enſuing January. From the ſame authority it appears, that the ſon had a ſafe-conduct, in the preceding month of July, for coming into the preſence of the Engliſh king. Theſe circumſtances have the appearance of ſome ſecret treating between the earl and court of England, which could not fail to excite a ſtrong reſentment in a prince of James's ſpirit; and in order to prevent all ſuch defection and treacherous correſpondence for the future, he availed himſelf, after a long delay, of a rigorous exertion of the prerogative of his crown, to ſeize into his hands the eſtate and fortreſſes of a family, that had for ſeveral preceding generations been the moſt opulent and powerful of any on the eaſtern borders *. The king, to mitigate in ſome degree the rigour of theſe proceedings, made the forfeited earl a grant of the earldom of Buchan; or, according to others, gave him an aſſignment on the revenues of that earldom for his ſupport.

Abere. vol. ii. p. 291, 292. Black Acts, fol. 23.

Rym. vol. x. p. 628.

Ib. 618.

Early in the ſummer of this year, the princeſs of Scotland was conveyed into France, notwithſtanding the menaces of the Engliſh, and their lying in wait to intercept her in her voyage. The quiet of the borders, which ſeems to have been very entire during all the preceding parts of James's reign, was broken by theſe jarrings. The earl of Northumberland with a body of four thouſand

* Father Innes obſerves, that the forfeiture of the earl of March, however well intended to remove ſo powerful a man from the neighbourhood of England, proved of bad conſequence in the following reigns. The earl of March was a rival and check upon the earl of Douglas; and this balance being taken off, the great power of the earl of Douglas, and of his family, and followers, proved an unſupportable burden to the crown. Innes's Crit. Eſſay, vol. i. p. 275.

men

men, advanced towards the Scottiſh marches *, but was met within his own territories, at a place called Pepperden on Brammiſh, not far from the mountains of Cheviot, by William Douglas earl of Angus, at the head of nearly the ſame number of forces. There were three other chiefs of note in the Scotch army, Adam Hepburn of Hales, Alexander Elphinſton of Elphinſton, and Alexander Ramſay of Dalhouſie. A fierce battle was fought, in which the Scots were victorious. Elphinſton, much celebrated for his valour, fell on the field, and about two hundred more of the Scottiſh army. On the other ſide, are ſaid to have fallen, fifteen hundred gentlemen and commons, and of the former claſs forty knights, whereof Sir Henry Clidſdale, Sir John Ogle, and Sir Richard Percy, were the moſt eminent; there were alſo four hundred taken priſoners. Some time after this ſucceſs, the king himſelf led a great army to beſiege Roxburgh. The place was kept by Sir Ralph Gray, who defended it with great bravery. But the beſiegers were ſo numerous, and carried on their operations under the eye of the king with ſo much vigour, that the garriſon muſt ſoon have yielded, had not the ſudden arrival of the queen in the camp put an end to the enterpriſe. Her errand was to inform the king of a conſpiracy, that had been entered into againſt his life, and was then on the point of execution; though ſhe could give no diſtinct account of the particular conſpirators. The king, ſenſible of the general diſcontent which his ſeverities and reformations had given to his barons, could not think himſelf any where leſs ſafe, than in his camp, ſurrounded by them and their armed vaſſals. He therefore inſtantly raiſed the ſiege †, diſmiſſed his army, and retired with his queen to Perth, where he was not long after barbarouſly murdered in his bed-chamber, by a band of ruffians employed by his uncle the earl of Athol, who by the ſettlement of Robert II. had been declared next heir to the crown after James and his male-progeny.

James I. K. of Scotland. 14 6. Boethius. Buchan. Holingſhed. Aberc. vol. ii. p. 299.

Hard. c. 236.

Dr. Robertſ. b. 1.

A. D. 1437. Feb. 20.

The ſtrong affection born by the nation in general to ſo deſerving a prince, appeared by the ardour with which all concurred to diſcover the conſpirators, and bring them to puniſhment. Not one of them eſcaped the ſtroke of juſtice; and the principals, among whom was Athol himſelf, ſuffered deaths, accompanied with all the indignities and tortures that could be deviſed. James II. the only ſurviving ſon of the late king, a boy, at that time, between ſix and ſeven years of age, ſucceeded to the crown; the adminiſtration of public affairs being lodged in the hands of Sir William Crichton chancellor, and Sir Alexander Livingſton ‡; the latter of whom had the charge of the king's

James II. K. of Scotland.

* It was not known, (ſays Boethius,) whether he had a commiſſion to invade Scotland from the king of England, or whether he undertook the enterpriſe himſelf, p. 266. *Incertum cujus autoritate an privata an regia.* Boeth. p. 353.

† Harding ſays, that the earl of Northumberland reſcued it with ſeven ſcore thouſand men, as he had done Berwick and Roxburgh before. See above, p. 386.

According to Fabian, the king hearing of the approach of Sir Ralph Grey, at the head of an Engliſh army, precipitately abandoned the ſiege, leaving part of his artillery behind him. Perhaps ſome Engliſh forces were approaching, when the king, for the reaſon given by the Scottiſh hiſtorians, diſmiſſed his army and retired.

‡ According to Abercromby, vol. ii. p. 319. Archibald duke of Touraine was the chief perſon in the adminiſtration, having the title of lieutenant-general of the kingdom.

Henry VI. K. of England. 1437.

perſon, and, according to ſome, the title of governor of the kingdom. The buſineſs which the Engliſh ſtill found on the continent, and the dreadful blow that Scotland had received in the loſs of her king, added to the feebleneſs and inſtability of the adminiſtration during the ſucceeding minority, were circumſtances that diſpoſed both nations to pacific meaſures. It was, however, more than a year after James's acceſſion to the throne, before a new truce was concluded. This truce was negociated by commiſſioners, who met at London, and concluded for nine years, to be reckoned from the enſuing firſt of May. To the articles contained in the two preceding truces, that related to the order to be kept on the marches, the following addition was made in the preſent; namely, that during its continuance, the people of either nation ſhould not enter the lands, woods, warrens, or other places of any ſubject of the other, to hunt, fiſh, fowl, or follow any other ſport, or for any other cauſe, without the licence of the proprietors, or their deputies, firſt aſked and obtained; and if it happened that beaſts or animals belonging to any ſubject of either ſide, ſhould come upon the grounds of a ſubject of the other, and ſhould paſture upon the corn or graſs * growing on them, or in any other way do hurt or damage to the proprietor of theſe grounds; that in ſuch caſes neither of the parties ſhould revenge, by his own authority, the damage or injury done him; but the treſpaſs ſhould be effectually redreſſed, according to the law and cuſtom obſerved in thoſe places where it had been committed. But much more conſiderable additions were made to the articles framed for the mutual ſafety of navigation and commerce. On this head it was now agreed, that if, during this truce, it ſhould happen that any, not ſubject to either of the kings, took the ſhips, perſons, or goods of the ſubjects of either king, and carried them into the territories or ports of other kings, it ſhould not be lawful for the latter, or any of his ſubjects, or any dwelling in his kingdom, to purchaſe the perſons or things thus ſeized and brought, or to reſet them in any way for their own profit, without the conſent of thoſe who had the real property of ſuch things before their ſeizure; and where any thing was done in violation of this order, the perſons or things thus purchaſed or received, ſhould be reſtored to thoſe who had the real property in them before their ſeizure, in the ſame manner as they ſhould have been reſtored, if taken by the ſubjects of either king; and the offender in this matter ſhould be over and above ſeverely puniſhed, as a truce-breaker, by him who had the charge of inflicting ſuch puniſhment. It was farther agreed, that if, during the preſent truce, any ſhip of either of the kingdoms ſhould, by ſtreſs of weather, or any *other reaſonable* cauſe †, expreſſed in the preſent truce, be driven into, or enter any port or other place of the other kingdom, that it ſhould not be lawful either for the king, or any of his ſubjects, in ſuch caſes, to arreſt or de-

A. D. 1438.

Rym. vol. x. p. 688.

* It is *Gramen et Herbam*, in Rymer's copy of this treaty; but in his copy of the treaty of November 1449, wherein this article of the preſent is copied, it is *Granum et Herbam*; which ſeems to be the true reading. This continued in ſubſequent treaties.

† *Alia rationabili de cauſa in præſentibus treugis contenta.* Theſe reaſonable cauſes are ſuch as are mentioned above in the laſt treaty of truce, and without any conſiderable variation are repeated in the preſent.

tain,

James II. K. of Scotland. 1438.

tain, in whole or in part, the ſhip itſelf, or perſons or things on board of it, for any private debt of any of the kings or their ſubjects aforeſaid; and whoſoever was guilty of any thing repugnant to this order, ſhould alſo be puniſhed as above. And that no ſuch creditor might be defrauded of juſtice, if he inclined to purſue for his debt, he ſhould, without difficulty, have ſufficient letters of ſafe-conduct from the warden or wardens of the marches, on the one or other ſide, in order to his purſuing for juſtice before the conſervators of the truce, or their deputies, in the diſtrict where the principal debtor reſided; againſt whom, if the creditor thus purſuing ſhould gain his cauſe, and make ſufficient proof of his debt by the confeſſion of the party, by witneſſes, inſtruments, or other lawful documents, the debtor ſhould be adjudged to pay, not only the principal ſum due, but alſo lawful expences, damages, and intereſt. It was alſo agreed, that if any ſhip belonging to either of the kingdoms, laden with perſons, merchandiſes, or goods of any kind, ſhould be wrecked or broken in any place of the ſea lying near the coaſt, or on the coaſt itſelf of the other kingdom; and any of the perſons on board the ſhip thus wrecked or broken remained alive, the merchandiſes and goods of whatever kind, thrown or drawn out of any ſuch ſhip, whether taken up at ſea, or coming to land, or in any other manner received and preſerved, ſhould not, by the perſons into whoſe hands they firſt came, be by any means diſſipated, diminiſhed, alienated, divided, or any wiſe embezzled or concealed; but ſhould be honeſtly delivered entire, in the ſtate wherein they were found, to the governor of that lordſhip or place, or his deputy, unto which the ſaid goods had come, to be kept for the uſe and benefit of thoſe, to whom, after due examination, they were found to belong: and it ſhall be lawful for ſuch proprietors, within the ſpace of one year, to be computed from the time of their knowledge of ſuch ſhipwreck, to proſecute, before the proper judge, the recovery and reſtitution of ſuch goods and merchandiſes; which goods ought to be truly and effectually delivered and reſtored to ſuch proſecutors, on paying reaſonable expences and coſts, for collecting, ſaving, and keeping them; provided always, that the perſon or perſons remaining alive, and coming on ſhore out of the ſaid ſhip, be immediately and freely diſmiſſed, in the manner already expreſſed in the preſent truce. It was farther agreed, that if any ſhip of the one or other ſide, freighted with perſons or goods, ſhould enter, in a ſhattered condition †, any port or other place of either of the kingdoms, and it ſhould be neceſſary, in order to repairing it, to bring to land the ſhip itſelf, or the perſons or things contained in it; that, in this caſe, the perſons or things thus landed, ſhould, without hinderance, or payment of any cuſtom, be again ſhipped on board the ſame veſſel when repaired, or any other, and freely carried away; provided, however, that for goods and merchandiſes ſold there, the cuſtoms and other dues, to which the goods were liable, ſhould be faithfully paid; alſo, that if, during this truce, any ſhip of either of the kingdoms freighted with commodities, with the perſons therein contained, ſhould put in

† It is added in ſubſequent treaties, and is perhaps an omiſſion in the *copy* of his, *or for a ſupply of victuals, or other neceſſities, overtaking them at ſea.* Rym. tom. ii. p. 250.

Henry VI. K. of England. 1438.

at any place in the other kingdom for a ſupply of victuals, in caſe that the maſter or crew had not ready money to pay for ſuch victuals, but would raiſe what was requiſite for that purpoſe, by the ſale of licenſed goods or merchandiſes; in ſuch circumſtances, they ſhould be allowed to ſell ſome of their merchandiſes; namely, what ſhould ſuffice to purchaſe the quantity of victuals neceſſary to the perſons then on board the ſhip, at ſuch a price as could be agreed between the parties; on condition, however, that the cuſtoms and other duties for the goods thus ſold, ſhould be faithfully paid; and that the reſt of the goods remaining in the ſhip, ſhould remain to the proprietors freely to be carried to what place they pleaſed. There was another material article added to this truce, that related both to land and ſea *; and whoſe object was that which ſtill continued to be the principal commodity for foreign trade in both nations. In this it was ordained, that it ſhould not be lawful for any of the ſubjects, or inhabitants of either kingdom, either by himſelf or any other, to buy, or otherwiſe receive any wools or wool-fells, to be carried out of the one kingdom into the other, either by land or ſea; but that theſe wools and woolfells ſhould be diſpoſed of, without fraud or guile, according to the laws and cuſtoms relating to them, that had been formerly eſtabliſhed in either kingdom. For the greater ſecurity of the obſervation of this truce †, it was agreed, that, on account of the minority of the Scottiſh king, it ſhould be confirmed by the oaths of his counſellors, and of the prelates and great barons of his kingdom; and, on both ſides, by the oaths of the wardens, preſent and future, of each nation, and of all perſons of note reſiding upon, or near the marches, as far as Newcaſtle, on the ſide of England; and Edinburgh, on the ſide of Scotland: and the names of thoſe, who had taken this oath, were appointed to be reciprocally notified to the wardens of the marches, in order to their being preſerved by them on record. The commiſſioners who concluded this treaty did alſo agree, that Alexander lord Gordon, and Alexander lord Montgomery, who were two of the commiſſioners from Scotland, ſhould meet with Sir Robert Ogle, and Sir John Bertram, to be furniſhed with ſufficient powers by their ſovereign the king of England, in ſome convenient place, before the firſt of May, in order to fix and determine the bounds within which

* Continued in ſubſequent treaties.

† This truce was negociated and concluded by Henry earl of Northumberland, John lord Tiptot, and Mr. William Lyndwood clerk, keeper of the privy ſeal, commiſſioners on the part of England; and Alexander (Seton) lord Gordon, Alexander lord Montgomery, Mr. John Methvin provoſt of the collegiate church of Lincluden, and John Vauſſe, Eſq; on the part of Scotland. The Engliſh conſervators were, Humphry duke of Glouceſter, John duke of Norfolk, Richard earl of Saliſbury, Henry of Northumberland, and Ralph of Weſtmoreland, John lord Grayſtock, and Thomas lord Dacres, Ralph Gray, John Bertram, Robert Ogle, Chriſtopher Corwin, Chriſtopher Moreſby, Henry Fenwick, and William Swinburn, knights, all the Engliſh admirals, and the wardens of the Engliſh marches toward Scotland. The conſervators for the king of Scotland were, Archibald duke of Touraine, and earl of Douglas, James earl of Angus, Alexander of Crawford, James of Annandale, Alexander lord Gordon, Walter lord Dirlton, Thomas lord Somerville, Herbert lord Carlaverock, Alexander Montgomery, William lord Crighton, Adam lord Hales, Sir Archibald Douglas, ſheriff of Tiviotdale, Sir Thomas Kilpatrick, Sir Walter Scot, all the admirals of the Scottiſh king, and the wardens of the Scottiſh marches. The powers of theſe conſervators were diſtributed as in the former truce. See above p. 331.

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the ſoldiers and others reſiding in the town and caſtle of Berwick, and in the caſtle of Roxburgh, ſhould have right to graſs and hay for their beaſts, and alſo to fuel and other neceſſaries, during the continuance of the preſent truce. Accordingly, two days after the truce was ſigned, full powers were granted to the Engliſh knights, to tranſact and ſettle that matter with the two lords of Scotland before mentioned; and alſo, after concluding it, to make proclamation of the truce in the uſual manner.

James II. K. of Scotland. 1438. April 2.

The minority of the Scottiſh king James II. was much diſturbed by the diſſenſions of Livingſton and Crighton, the men intruſted with the care of the king's perſon and management of publick affairs. A ſenſe of common danger once again produced a reconciliation betwixt them. The danger that threatened them aroſe from the overgrown power and unbounded ambition of the family of Douglas, which the late king had not lived long enough to repreſs. Archibald duke of Touraine and earl of Douglas dying in 1438, was ſucceeded by his ſon William, in his titles and eſtate. The giddineſs and fire of youth, added to pride and ambition, equal to that of his father, drove this new earl into the moſt intolerable exceſſes. His uſual train conſiſted of a body of two thouſand horſe; wherein were comprehended, and protected, many of the moſt profligate banditti of the borders. He ſhewed the moſt open contempt of the authority, officers, and courts, of the king; and exerciſed his private revenges and thoſe of his clients and vaſſals with unbridled licence and cruelty. The governor and chancellor finding inſuperable difficulties in contending with ſo overgrown an offender, either by the methods of juſtice or open force, had recourſe to the political engines of flattery and fair promiſes; by which having deluded the vain and unſuſpecting youth, they decoyed him, accompanied by his only brother, and his favourite Fleming of Cumbernauld, into the caſtle of Edinburgh; and there, without any formal proceſs or trial, put them all to death. This violent meaſure had for ſome time the intended effect of reſtoring domeſtic tranquillity, and eſtabliſhing the power of the regency; which ends were alſo promoted by the character of the new earl of Douglas, James of Abercorn, ſirnamed *the Groſs*, uncle to the late earl. He was a man remarkably corpulent in his body, and in his temper indolent and pacific; inſomuch that the very perſons who had deſtroyed his nephews had no ſcruple of intruſting *him* with the wardenſhip of all the marches. While affairs were in this ſtate, a prolongation of the truce with England was agreed on for ſeven years, ſucceeding the expiration of that which at preſent ſubſiſted; and probably on the ſame conditions *. The character of the Engliſh king, which began now to have ſome influence on his affairs, was altogether mild and peaceable; and the continued ill ſucceſſes in France, made the miniſtry and nation weary of war; ſo that the ſituation of both England and Scotland favoured every meaſure that tended to preſerve or prolong concord between them.

A. D. 1440.

Aberc. vol. ii. P. 331.

Hume of Godſcroft. A. D. 1442. Rym. vol. xi. P. 4, 5.

* A commiſſion to the biſhop of Durham, and others, to receive the oaths of the wardens of the Engliſh marches to obſerve this truce, and to tranſmit the names of the jurors to the Scottiſh wardens, is dated May 16. Rymer, vol. xi. p. 4, 5.

Henry VI. K. of England. 1442.

The power and influence of the family of Douglas, during the time that James the Groſs was the head of it, was not only weakened by the perſonal character of that earl, but by a diviſion of the vaſt eſtate that belonged to his predeceſſors. For James inherited only the entailed lands, while Beatrix, the ſiſter of his nephew and predeceſſor William, ſucceeded her brother in Galloway, Annandale, and other great eſtates. But James dying in 1444, was ſucceeded by his ſon William, who reunited the vaſt domains of the family, by marrying irregularly, and without leave of the court, his couſin Beatrix. This ſtep was followed by many other proofs of the inſolence of youthful ambition, equally ſubverſive of public order and private ſafety. About the time, however, that the king attained to the age of fourteen years, when, according to the law of Scotland, he might himſelf chuſe his miniſters and officers, the earl of Douglas repaired to court; and, on making proper acknowledgments and ſubmiſſions, obtained the pardon of his paſt offences. Soon after he had the addreſs to raiſe himſelf to the higheſt degree of favour with the king, and to engroſs the whole power of the government into his own hands; which he employed, without moderation, in revenging himſelf of the enemies of his family, and in raiſing it to a pitch of grandeur far above the condition of ſubjects.

Aberc. vol. ii. p. 333.

A. D. 1444.

About the ſame time that a truce was concluded between England and France, which firſt put a ſtop to the war that had ſo long raged between theſe nations in the reigns of Henry V. and VI. orders were iſſued to the ſheriffs of various counties in England, to proclaim the prolongation of the truce with Scotland that had been concluded two years before. The king of Scotland was alſo, as uſual, comprehended as an ally of France, in ſeveral ſubſequent ſhort truces between that nation and England. It ſeems farther evident, that a good underſtanding ſubſiſted between the Engliſh and Scottiſh crowns, in the ſpring of the year 1448; a ſafe-conduct, with terms of ſecurity uncommonly ample, having been granted at that time to Sir William Crighton chancellor of Scotland, the biſhop of Dunkeld, and others, with their retinue, who were ſent ambaſſadors to France, in order to renew the ancient league between that kingdom and Scotland †, and to ſolicit the aſſiſtance of the French king in providing a wife for their maſter. The affairs of England were alſo at that time wholly under the direction of the young queen, Margaret of Anjou, and her favourite Suffolk; who, to the grievous offence of the Engliſh, were altogether in the intereſts of France. Theſe circumſtances conſidered, it ſeems probable, that the hoſtilities committed on the borders, in this and part of the following year, proceeded rather from the animoſity and ambition of the chieftains of the marches, than from any public direction ‡. The Scotch writers, who give the moſt particular account of this ſhort war, affirm, that the truce was violated by the Engliſh; the earls of Northumberland and Saliſbury, who were the wardens of the eaſt and weſt marches, having invaded Scotland, at the head of two different armies, and deſtroyed the

Rym. vol. xi. p. 58.

A. D. 1448. April 23. Rym. vol. xi. p. 213.

Aberc. vol. ii. p. 339. 340. Buchan. l. 11.

† Their commiſſion is dated at Stirling, on the 6th of May following. Traitez d'entre les Roys de Fr. and d'Anglet. p. 356. 366. ap. Abercromby, vol. ii. p. 338.

‡ There are no orders of any kind relating to it in Rymer's Collection.

towns of Dunbar and Dumfries. James Douglas lord of Balveny, a brother of the earl of Douglas, ſoon revenged theſe incurſions, by burning the town of Alnwick, and by ſpoiling and laying waſte the county of Cumberland. This was followed by ſtill greater efforts for retaliation and defence, on the part of England. A conſiderable army was led over the weſtern march by the earl of Northumberland; who was met near the river of Sark by a Scotch army, under the command of Hugh earl of Ormond, a brother alſo of the earl of Douglas. A bloody battle enſued, wherein the Scots were victorious. Three thouſand Engliſh are ſaid to have been either ſlain in the field, or drowned in their flight, in the Frith of Solway. Many of them were alſo taken priſoners, among whom was the lord Percy; who fell into the hands of his enemies, while bravely exerting himſelf to reſcue his father from the like fate. The loſs on the ſide of the Scots is ſaid to have been ſix hundred men; the principal of theſe was, Sir Thomas Wallace of Craigie; to whoſe proweſs the ſucceſs of his countrymen was chiefly owing. For he received his death's wounds in a vigorous attack on the left wing of the Engliſh army; wherein that wing was routed, and its leader Magnus killed, on whoſe great courage and experience in war the Engliſh had placed their chief hopes.

James II. K. of Scotland. 1448.

In the following ſummer, an end was put to theſe hoſtilities by a ſhort truce, concluded on the 10th of July, at Wincheſter, where the Engliſh king then reſided, to continue from the 10th of the enſuing Auguſt to the 20th of September. The diſcontents in England with the management of the queen and Suffolk were ſtill increaſing; and the French king, in conjunction with the duke of Bretagne, had renewed the war in Normandy, which iſſued, in the year following, in the total reduction of that province under the power of France. The king of Scotland was employed in celebrating his nuptials with Mary of Gueldres; and it is probable that the tendency of a war with England to increaſe the greatneſs of the family of Douglas, diſpoſed him to cultivate peace with that nation. In the inſtrument of the truce abovementioned, which is ſhort and general, the two kings ſeem to throw off from themſelves the blame of breaking the truce that formerly ſubſiſted, on '*certain enemies of* '*peace*;' by whom it had been ſo infringed, that each party receded from it, or conſidered it as void and null. In the next liſt of commiſſioners appointed by the Scottiſh king, to treat of a farther prolongation of the truce, Alexander Livingſton of Calendar is included, with the title of *juſticiary of Scotland*; a new evidence of the decline of the intereſt of the earl of Douglas at court. For, two years before, his aſcendant there had brought Livingſton's ſon, and two others of his name and family, to the block; the father being at the ſame time ſtripped of his eſtate, and ſent priſoner, together with ſome of his principal friends, to the caſtle of Dunbarton. Commiſſioners of both nations having met at Durham, concluded another ſhort truce, to continue from September 20 to November 19. The Engliſh miniſtry ſeem on this occaſion to have affected to make ſome compenſation, on the ſide of Scotland, for their almoſt total abandoning of the intereſts and claims of their ſovereign in France: for on the day before ſigning the truce, Richard Andrews, ſecretary of the king of England, made a ſolemn proteſtation, that nothing ſaid or done

A. D. 1449. Rym vol. xi. p. 231.

Æmulos pacis.

Abere. vol. i. p. 337.

Sept. 18. Rym. vol. xi. p. 238.

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Henry VI. K. of England. 1449.

in the courſe of the preſent treaty, or to enſue from it, ſhould anywiſe prejudice the right of the king of England to the ſuperiority over the kingdom of Scotland, or the homage due to the ſaid king of England from the king, lords, or others, of that kingdom. It is perhaps a proof of a very pacific temper on the part of the Scots, that this proteſtation was allowed to be made, without a counter-proteſt on their part, or ſome other inſtrument of a like tendency. If any ſuch was taken by them, it is not preſerved in the Engliſh record.

Ib. p. 244.

When this ſecond ſhort truce was nigh its expiration, another meeting of commiſſioners was held at the ſame place, who agreed to renew and prolong it, in a manner ſomewhat unuſual. The term of its continuance was undetermined; but when either king thought proper to recede from it, it was agreed, that he ſhould give authentic intimation of his intention to the other; but, at the ſame time, ſhould in no reſpect break the truce, or ſuffer it to be broken, until one hundred and eighty days were elapſed after the giving of ſuch warning. Inſtead of the proteſtation about the ſuperiority of the king of England over Scotland, which introduced the former ſhort treaty, the preſent, which is a very long and particular one, was preceded by two proteſtations, on ſubjects of much leſs importance. The firſt of them was made by one of the Scotch commiſſioners, John Methven, a doctor of the canon-law, maſter of the rolls and regiſter to the king of Scotland, in name of his fellow-commiſſioners and his own. It begins with a promiſe that, within the ſpace of twenty-one days after their leaving the city of Durham, they would take effectual care that proclamation ſhould be made, in places uſual and convenient, that the ſoldiers and inhabitants of the town and caſtle of Berwick, Roxburgh, and other Engliſhmen coming to theſe places, ſhould be allowed, during the truce, to poſſeſs and collect ſufficient quantities of graſs, hay, and fewel, and to enjoy the privileges of a common in the lands, paſtures, and meadows, around theſe places, together with freedom of going in and out with victuals and carriages of all kinds, in the ſame manner as had been allowed during any former truce. They alſo engaged, that with regard to the *debatable lands* on the weſt marches, it ſhould be in like manner proclaimed, that all who challenged a right to theſe lands ſhould, during the preſent truce, poſſeſs them in common, without let or diſturbance of any kind, as had been done in former truces; and that no Scotchman, under the higheſt penalties, ſhould act contrary to the tenour of theſe proclamations. But to theſe engagements a proteſt was ſubjoined, declaring, that it was not their intention by them, to prejudice, in any manner, the right and property of the king of Scotland, or of any of his ſubjects, in the lands, paſtures, and meadows above mentioned; and that the conceſſion at preſent made, being *in favour* of the truce, was only to endure while it continued. Immediately after, a promiſe and proteſtation was made by Richard Andrews, who was ſtill one of the Engliſh commiſſioners, in name of theſe commiſſioners and his own, whereby they engaged, that, within twenty-one days after their leaving the city of Durham, they would cauſe proclamation to be made at Berwick and Roxburgh, and alſo on the weſt marches, that no Engliſhman, under the higheſt forfeiture,

forfeiture, ſhould occupy the debatable lands on the weſt marches, either by land or water, otherwiſe than they uſed formerly to be held in time of truce; at the ſame time proteſting, that it was not their intent, by this engagement, anywiſe to prejudice the right and property of the king of England, or any of his ſubjects, in theſe lands; and that the preſent conceſſion, as being made in favour of the truce, was only to endure while it continued. James II. K. of Scotland. 1449.

In the part of this treaty * relating to the maintenance of peace and redreſs of wrongs committed on the borders, there is a variation from former treaties in the article relating to the ſecurity of the perſons going from the one kingdom into the other, to proſecute judicially thoſe who had robbed or otherwiſe injured them. Inſtead of the ſafe-conducts appointed to be given to ſuch plaintiffs by the warden of the marches, on the ſide where he was going to purſue redreſs, it was agreed that, during the truce now concluded, there ſhould be two letters-patent of ſafe-conduct; one under the great ſeal of each king, whereof that given by the king of England ſhould be lodged in ſome convenient place to be appointed by the king of Scotland, within the marches of his kingdom, and the other given by the king of Scotland, ſhould remain in ſome place within the marches of England, to be appointed by the king of that nation; by virtue of which ſafe-conducts, the ſubjects of either kingdom, who, during the continuance of the preſent truce, ſhould be aggrieved in breach of it, might freely enter the other kingdom, and proſecute their cauſe in any place, and before any competent judge in it; on condition, however, that, by virtue of ſuch letters, no more than three or four perſons of either ſide engaged in ſuch pleas, ſhould at one and the ſame time enter the other kingdom. This regulation ſeems plainly enough to imply, that the wardens had not done their duty, as appointed by former treaties, in granting ſafe-conducts to thoſe who ſought them, in order to their proſecuting the redreſs of injuries. An article that immediately follows, throws blame ſtill more directly on the wardens, their deputies, and other officers, charged with the preſervation of the peace of the marches. In this †, after declaring that, becauſe by the negligence of officers in puniſhing tranſgreſſors, according to the quality of their crimes, it might ſoon happen, through the inſolence and unbridled perverſeneſs of delinquents, that the truce might in many ways be violated, it was agreed and ordained, that either of the kings, on finding himſelf or his ſubjects aggrieved; in defect of juſtice, which the other ſide refuſed to execute, ſhould by a proper meſſenger give information to the other, of the default of his officers in that reſpect; in which caſe, the king to whom ſuch information or complaint was preſented, ſhould with all convenient ſpeed, twice, or at leaſt once a year, ſend three or two of his council ‡, friends of peace and juſtice, to ſome convenient

Rym. vol. xi, p. 252.

Ib. p 312.

Ibid.

Rym. ib.

* This is the firſt of the long treaties, concluded on the model of that which was made on the reſtoration of James I. that is publiſhed in Dr. Nicholſon's collection of Border-laws, p. 7, &c.

† Continued in ſubſequent treaties.

‡ It is probably in fulfilment of this article, that a charge and powers were given in 1451, April 28, by the king of England to certain commiſſioners, though exceeding the number here mentioned, to inquire into the conduct of the conſervators of the truce, the wardens, or their

Henry VI. K. of England. 1449.

convenient place near the marches, to meet with the ſame number of the like quality and character, ſent from the other king, and furniſhed with ſufficient powers, not only to puniſh the delinquents complained of, according to the nature of their offence, but alſo ſtrictly to inquire whether the conſervators of the truce, the wardens of the marches, or their lieutenants and deputies, had been negligent or remiſs, in the execution of juſtice to the parties complaining, and to correct and puniſh them, if, by ſuch inquiſition, they ſhould be found guilty.

The regulations in this treaty for the mutual ſecurity of navigation, are in ſubſtance almoſt the ſame with thoſe in the treaty of 1438. They are varied however conſiderably in form and order; and as they continue the ſame in ſeveral ſubſequent treaties of this kind, we ſhall give thoſe wherein this differs from former treaties.—I. It is firſt agreed, that if, during the preſent truce, any ſubjects of England navigating the ſea for a lawful cauſe, whether merchants *, pilgrims, fiſhers, or others, ſhould by the violence of winds or ſtorms, or any other juſt or neceſſary cauſe conſtraining them, be obliged, contrary to their intention when they left their home, to put into any port or other place in the kingdom of Scotland, or ſuffer ſhipwreck in any place near the coaſt of that kingdom, provided any perſon remained alive in the ſhip, it ſhould not be lawful for the king of Scotland, or any of his ſubjects, by themſelves or others, to take or ſeize the perſons thus driven to land, or ſhipwrecked, their ſhips, or goods of any kind, on board of theſe, or in any manner to take them away, or detain them, or to arreſt ſuch goods, or merchandiſes, in whole or in part, on account of any perſon's debt; but the perſons driven to land or ſhipwrecked ſhould, on the ceaſing of ſuch cauſe, be allowed to depart with their ſhips and goods, and, on their part, ought to do ſo, after their ſhip was repaired, with all convenient diſpatch, without obſtacle or hinderance of any kind from the king of Scotland, or his ſubjects. And, in like manner, if any ſubjects of the king of Scotland navigating the ſea, as aboveſaid, ſhould through ſtreſs of weather, or other juſt or neceſſary cauſe conſtraining them, be obliged, contrary to the firſt intention of their voyage, to put into any port or other place, ſubject to the king of England, or ſuffer ſhipwreck in any place adjacent to ſuch ports or places, it ſhould not be lawful for the king of England, or any of his ſubjects, to take or ſeize the perſons thus driven to land, or ſhipwrecked, their ſhips, or goods of any kind, on board of them, or in any manner, to take them away or detain them, or to arreſt ſuch goods, in whole or in part; but the perſons driven to land, or ſhipwrecked, ſhould, on the ceaſing of ſuch cauſe, be allowed to depart with their

Rym. p. 248, 249.

lieutenants and deputies; and on finding them negligent or remiſs in the execution of juſtice, to correct and puniſh them. No commiſſion, of this nature, is to be found before this in Rymer's Collection, vol. xi. p. 284.

* In the treaty of 1486, the deſcription of perſons navigating the ſea is enlarged. It is there, for the firſt time, ſaid, 'whether they be merchants, pilgrims, or others, of whatever condition, 'ſtate, or degree, although royal, ducal, archiepiſcopal, epiſcopal, comital, or under.' The deſcription of the goods in theſe ſhips is alſo enlarged. To goods and merchandiſes, is added gold, ſilver coined or uncoined, jewels, cloths of gold, ſilken, or woollen.

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ſhips and goods, and, on their part, ſhould be obliged to do ſo, with all convenient diſpatch, without obſtacle or hinderance of any kind from the king of England or his ſubjects.—II. It was in the next place agreed, that if any of the ſubjects of the Engliſh king, driven in, or ſhipwrecked in manner aboveſaid, or who, coming into Scotland under ſafe-conduct, ſhould be ſo diſtreſſed with ſickneſs *, as not to be in a condition to go away in their ſhips, or thoſe having ſafe-conduct, ſhould not be fit to depart and return home to their own country, it ſhould be allowed to perſons in ſuch circumſtances, to remain ſafe and ſecure in the place where they had fallen ſick, until they had regained their health, and then they ſhould be ſuffered to return to their own country with letters of atteſtation of the mayor, bailiffs, conſtable, or any other officer of the king, in the place where they had ſickened, to be granted them at a moderate expence; and the ſick aboveſaid ſhould be bound to depart, without obſtacle or hinderance of any kind from the ſubjects of the Scottiſh king, on condition that they contrived or committed nothing to the prejudice of the king, kingdom, or ſubjects thereof. All which particulars ſhould be faithfully and fully obſerved by the king of England, or his ſubjects, in caſe of any ſubject of Scotland falling ſick in England, in the circumſtances abovementioned.—III. It was farther agreed and ordained, that if any who were not ſubjects of the Scottiſh king, ſhould ſeize the ſhips, perſons, or goods, belonging to ſubjects of the king of England, and carry them into any place or port ſubject to the king of Scotland, it ſhould not be lawful to that king, or any of his ſubjects, to buy the whole, or any part of them, or to receive them in any way for their uſe, without conſent of the perſons who were the real proprietors of theſe goods, before the capture was made †: and, if any thing ſhould be committed in breach of this article, in that caſe, faithful and complete reſtitution ſhould be made of the perſons and goods thus bought and received to their true proprietors equally, as if they had been taken by the ſubjects of the Scottiſh king; and, over and above, any perſon offending in this article ſhould be ſeverely puniſhed, according to the nature and circumſtances of his offence. All which particulars ſhould be faithfully and fully obſerved by the king of England, in caſe of any ſhips or goods belonging to the king of Scotland, or his ſubjects, being taken by any not ſubject to the king of England. There are only other two articles on this branch, the one relating to the recovery of ſhipwrecked goods, and the other to veſſels of the one nation putting into any port or place of the other, for repairs, a ſupply of victuals, or the like neceſſary cauſes, which are juſt the ſame as thoſe contained in the treaty of 1438 ‡.

James II. K. of Scotland. 1449.

Rym. p. 342. 344.

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* In the treaty of 1486, is added, hurts or wounds, *læſi*, and ſo in what follows.

† In the truce of 1464, it is added, 'or of their factors. And if the merchant or proprietor of 'the goods, or his factor, were not preſent, in that caſe the allowance ſhould ſuffice of him who 'was captain or maſter of the ſhip, before ſhe was taken.'

‡ The conſervators of this truce on the part of England were, Humphry duke of Buckingham, John duke of Norfolk, William duke of Suffolk, Richard earl of Saliſbury, Henry earl of Northumberland, John earl of Oxford, John viſcount Beaumont, Henry viſcount Bourchier, Thomas lord Clifford, Ralph lord Grayſtock, Thomas lord Fitzhugh, Thomas lord Dacres,

Henry VI. K. of England. A. D. 1450.

The earl of Douglas having made a pompous pilgrimage to Rome in the Jubilee year, accompanied by many of his friends and vaſſals, gave an advantage by his abſence to thoſe whom he had oppreſſed or injured, and to his other adverſaries, which they failed not to improve. Many and heavy complaints were made againſt him to the king, who appointed reſtitution to be made to thoſe whom he had wronged, out of his eſtate and revenues; and upon his brother the earl of Ormond, and others, who had the charge of his affairs, refuſing to comply with this order, the king in perſon marched with an armed force into the earl's provinces, reduced ſome of his caſtles, and made himſelf every where be obeyed. Accounts of theſe proceedings ſoon reaching Rome, diſperſed the earl's retinue, and haſtened his return. By making proper acknowledgments and promiſes, he obtained the king's forgiveneſs, and was even reſtored to confidence and favour. In the following April, he was one in a liſt of commiſſioners appointed by the king of Scotland, to meet with others from the king of England at Newcaſtle or Durham, in order to treat concerning the redreſs of breaches of the late truce. Soon after, he obtained from the king of England, for himſelf, three of his brothers, thirty of his friends and dependents who were named, and ſixty-ſeven more of whatever quality, letters of ſafe-conduct, and protection for a year, extending to all the Engliſh dominions. This hath the appearance of private treating with the Engliſh court; agreeably to the accounts given by the Scottiſh hiſtorians: and, indeed the circumſtances of the court of England make it very probable, that they might be negociating at the ſame time with the Scottiſh king, and his over-grown ſubject. For the Engliſh parliament had lately forced away from the queen, her favourite Suffolk, who was ſoon after put to death; and the inſurrection of Cade in Kent, together with various other diſturbances, ſtrongly portended thoſe dreadful civil broils that in a ſhort time began to rage in that kingdom.

A. D. 1451. Rym. vol. xi. p. 283.

May 12.

Rym. vol. xi. p. 288.

In order, therefore, to eſtabliſh quiet on the ſide of Scotland on a ſurer foot-

Thomas Nevill, Thomas Stanley, James Strangeways, Henry Fenwick, Robert Ogle, Thomas Harington, Thomas Lumley, Richard Muſgrave, John Skilton, Thomas de la More, John Heron, Robert Manners, with all the Engliſh admirals, and wardens of the Engliſh marches. On the part of Scotland, the conſervators were, William earl of Douglas, George earl of Angus, John earl of Roſs, Archibald earl of Murray, and Alexander earl of Crawford, William lord Crighton, William lord St. Clair, William lord Somervill, Herbert lord Maxwell, Alexander lord Montgomery, Andrew lord Gray, Patrick Hepburn of Hales, James of Crighton, barons; Alexander ſheriff of Angus, Andrew ſheriff of Fife, Simon Glendanning, Archibald Douglas, William Cranſton, Walter Scott, Robert Crighton, Alexander Home, David Home, Alexander Ramſay, knights; James Rutherford, Nicholas Rutherford, Thomas Cranſton, William Carlile, William Douglas, Adam Johnſton, William Lauder. Their powers diſtributed as in former truces. This truce is not limited, as the two preceding, but extends to all the dominions of both kings by land and ſea.

The oaths of the wardens of the marches, preſent and future, on each ſide, with thoſe of all men of note living near the ſaid marches, from Newcaſtle and Penrith towards Scotland on the one hand, and from Edinburgh and Dumfries towards England on the other, that they would ſtrictly obſerve the truce, and neither by themſelves or others, directly or indirectly, be guilty of any violation of it, were appointed to be ſolemnly taken; and in a month after, to be reciprocally notified to the wardens on each ſide, to be preſerved with them on record.

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ing, there was a meeting of plenipotentiaries * from both kings, held at Newcaſtle in the month of Auguſt, who had it in charge to negociate and conclude a truce for a definite time. Accordingly they put their ſeals to a new treaty on the 14th of the aboveſaid month, in the church of St Nicholas, by which it was agreed, that a truce certain and undoubted ſhould be obſerved between the nations, for three years, from the day following the date of this treaty. It was afterwards to continue during the pleaſure of the kings, and the ſame delay of hoſtilities, after intimation of the purpoſe of either to recede from it, was agreed on as in the former treaty. An addition was made in this treaty to the article relating to the *hot-trodd*, or purſuit of robbers, or malefactors, either inſtant, or in ſix days from the commiſſion of the treſpaſs. In ſuch circumſtances, the perſon injured was allowed, as in former treaties, to purſue the offender into his own nation without any ſafe-conduct; but with the condition † following, that as ſoon as he entered the neighbouring kingdom in this purſuit, he ſhould go to ſome man of good fame, reſiding within the march he had croſſed; and having declared to him the cauſe of his doing ſo, ſhould give him a particular account of the goods whereof he had been robbed, and ſhould moreover require him to accompany him; that ſo he might, when called upon, declare the truth concerning what had been done by the purſuer, in the time of the purſuit. The article which for the firſt time appears in the former treaty, concerning the ſafe-conducts from each king to be lodged in the neighbourhood of the marches, is continued in this, with the following explication of the meaning of the *competent judge*, before whom redreſs was to be ſought. By this *competent judge*, the preſent commiſſioners declared, they underſtood the warden of that march where the delinquent reſided; and if the perſon complained of, had not his reſidence within the limits of either march, or could not be found within the limits of that where he actually reſided, or was wont to reſide, the plaintiff might, in that caſe, preſent a bill or ſchedule of his complaint to the warden, who ſhould with all convenient ſpeed tranſmit the bill, together with the plaintiff, if the latter deſired it, furniſhed with letters of atteſtation and ſafe-conduct, to be delivered without fee or reward, to the chancellor of the kingdom, of which the perſon complained of was a ſubject; whereupon the chancellor ſhould ſummon the party accuſed, and with all poſſible diſpatch adminiſter juſtice to the plaintiff ‡. In the concluſion of this treaty, there is a new article added for

James II. K. of Scotland. 1451.

Rym. vol. xi. p. 256.

Ib. p. 298.

Ib. p. 360.

* The Engliſh commiſſioners were, Robert biſhop of Durham, Richard earl of Saliſbury, Nicholas biſhop of Carliſle, Henry Percy lord Ponyng, Thomas lord Clifford, Sir William Lucy, Mr. Richard Andrews doctor of laws, ſecretary to the king of England, Sir James Strangeways, and Mr. Robert Dobbies, doctor of decretals. Thoſe from Scotland were, Thomas biſhop of Whithern or Galloway, Andrew abbot of Melroſe, confeſſor and treaſurer to the Scottiſh king, Andrew lord Gray, Maſter John Methven maſter of the Rolls and regiſter, Sir Alexander Home, and Alexander Napier, knights.

† Continued in ſubſequent treaties.

‡ It would ſeem, that the concluſion of a new truce had been conſidered as putting ſome kind of obſtacle in the way of redreſſing the breaches of former truces. For an article appears for the firſt time in this, and is continued in ſubſequent treaties, by which it is agreed, declared, and ordained,

Henry VI. K. of England. 1451.

for the ſecurity of navigation. It declares, that becauſe the ſubjects of one ſide were often greatly hindered in their navigation, and ſuffered other loſſes by being compelled by ſubjects of the other ſide, although theſe had ſufficient knowledge by a cocket or other authentic document to what country the other belonged, to take away their ſails, or to ſtrike them, in whole or in part. It was now ordained, that ſubjects of either ſide ſhould not treat in this manner thoſe of the other, or in any way impede them in their lawful courſe; and, that thoſe who did ſo, ſhould be proſecuted and puniſhed as breakers of the preſent truce *.

Leg. March. p. 69.

Rym. p. 356.

The ſigning of this truce was preceded by the ſame proteſtations that had been made, on occaſion of the former, relating to the privileges of Berwick and Roxburgh, in the lands around them, and alſo relating to the debatable lands on the weſt-marches. The proteſtation likewiſe made by the Engliſh ſecretary at Durham, in September 1449, for ſaving the claim of the ſovereignty of England over Scotland, was now renewed by the ſame perſon.

Ibid.

A. D. 1452. Carte, vol. ii. 742, 743.

The beginning of the following year was remarkable in England for the firſt inſurrection of the duke of York. He had probably, before this time, fixed his eye on the crown; to which his title as the lineal heir of the duke of Clarence, an elder ſon of Edward III. then John of Gaunt, was preferable to that of the reigning family. It is not likely, however, he would have found ſufficient numbers to favour and aſſiſt him, had not the loſs of Normandy and Guienne abroad, together with many arbitrary and violent meaſures at home, brought an univerſal odium on the queen and her favourites; an odium which the mere innocence of the poor inſignificant monarch was nowiſe ſufficient to counterbalance. Edmund duke of Somerſet, ſucceeded Suffolk in the queen's favour; and the avowed deſign of York's inſurrection was to remove Somerſet and others of the council from the adminiſtration of public affairs, and to bring them to account for their malverſations. By pretending to comply with theſe demands and a ſham-confinement of Somerſet, York was prevailed with to diſmiſs his forces, and to put himſelf in the power of the court. There he found Somerſet at his liberty, and was for a ſhort time deprived of his own; but his adverſaries were deterred from proceeding to extremities againſt him, by reports of his ſon Edward approaching to reſcue him, with a great force raiſed in Wales. Hereupon York was diſmiſſed, and this breach of faith ſerved ſtill more to kindle his ambition and reſentment. It was in the very time of York's inſurrection in England, that the inſolence and ambition of the earl of Douglas in Scotland, terminated in his own deſtruction. He had been detected in correſponding with the Engliſh

Abbrc vol. ii. p. 352. &c.

ordained, that it ſhould be lawful for any perſon who had been robbed or injured, in breach of the truce lately concluded at Durham, to ſue for redreſs before any competent judges in either kingdom, wherever he ſhould think proper, and that full juſtice ſhould be done him; the concluſion of the preſent truce, any cuſtom, or any abuſe, to the contrary notwithſtanding. Rym. ib. p. 300.

* The conſervators of this truce on the part of England, were all the ſame as thoſe of the laſt, excepting William duke of Suffolk, who was put to death in the preceding year. On the part of Scotland they were all the ſame.

court,

court, and in order to ſupport himſelf againſt his ſovereign at home, had entered into a league with ſeveral of the chief nobles of the kingdom, by which they engaged to give help and defence to one another againſt all mortals. The king having required the earl's attendance at Stirling, he refuſed to obey, unleſs firſt furniſhed with a ſafe-conduct under the king's great ſeal. This being ſent to him, he repaired to court with a numerous hoſt of attendants. The king received him in the caſtle, and entertained him at ſupper with expreſſions of kindneſs; but having afterwards carried him into a chamber where the king and he were alone, and urged him inſtantly to renounce the traitorous aſſociation into which he had lately entered; and the earl being obſtinate in his refuſal, the incenſed monarch finiſhed at once his rebellion and life, by ſtriking him to the heart with his dagger (*a*).

James II. K. of Scotland. 1452.

(*a*) Feb. 13.

This violent meaſure, though more probably the effect of policy than of paſſion, appeared by the event to be a very deſperate one. For the relations, clients, and allies, of the deceaſed earl, headed by James his brother and ſucceſſor, ſounding aloud the charge of perfidy and cruelty againſt the king and his counſellors, broke out into a moſt furious rebellion. The diviſion in the family of Douglas itſelf, by the earl of Angus, and Sir John Douglas of Dalkeith, adhering to the king; the wiſe and magnanimous counſels of Kennedy biſhop of St. Andrews, and the defeat given at Brechin by the earl of Huntly to the earl of Crawford, one of the moſt powerful of earl Douglas's allies, proved the means of ſupporting the throne, which, for ſome time, appeared in ſo tottering a condition, that the king had thoughts of aſking refuge in France from the rage of his own ſubjects. This ſtorm, however, was compoſed in the end of ſummer; and the earl on making certain conceſſions and giving the ſecurities required for his future good behaviour, was pardoned and received into ſome ſhow of favour.

Home of Godſ. vol. i. p. 362. &c.

May 18.

Ruddim. Not. ap. Buchan. l. 11.

In the following ſpring, the earl was in ſo much confidence with the king, that he was appointed, along with two others, a plenipotentiary *, to treat with the court of England concerning the means of enſuring the obſervation of the truce that did then ſubſiſt, and alſo, of prolonging it to a more diſtant term. In purſuance of this commiſſion, the earl with Robert Liddale of Balmure, one of his fellow-commiſſioners, met with Richard earl of Saliſbury, and four others, commiſſioned by the king of England at Weſtminſter, and concluded on the 23d of May, a new truce to continue from the 21ſt of May in the preſent year, to the ſame day in the year 1457, and afterwards, during the pleaſure of the kings; either of whom, on reſolving to recede from it, was obliged to give the other the warning required by the two former treaties. The articles of this treaty and proteſtations accompanying it, relating to Berwick and Roxburgh, were preciſely the ſame as in the treaty preced-

A. D. 1453. Rym. vol. xi. p. 324.

* Earl Douglas's fellow-commiſſioners were, Richard abbot of Dumfermling, and Robert Liddale of Balmure, the king's *primus dapifer*, (ſteward of the houſehold?) thoſe of the earl of Saliſbury were, Henry Percy lord of Ponnings, Sir Thomas Stanley, and Richard Andrew clerk, the king's ſecretary. Saliſbury was then warden of the weſt march of England towards Scotland, and conſtable of the caſtle of Pomfret. Rym. ib. p. 339.

ing;

Henry VI. K. of England.

ing*; but no proteſtation was made for ſaving the ſuperiority of England.

1453. The ambition of the earl of Douglas, ſtimulated by the vindictive ſpirit of his mother, ſoon engaged him in a new rebellion. To add to his ſtrength, he took to wife the † widow of his brother, the late earl, who had no children by her deceaſed huſband, and was affirmed by the preſent earl to remain ſtill a virgin. He ſolicited a diſpenſation for this marriage at the court of Rome, and to give the greater weight to his ſolicitations, he undertook, or declared his purpoſe to undertake, with a great company of his relations and friends, a pilgrimage to that city, in order to pay his devotions at the ſhrines of the Apoſtles. But the king had ſufficient intereſt at Rome to prevent the granting of ſuch a diſpenſation. The earl, his mother, and brothers, being declared rebels, and their eſtates confiſcated by a decree of parliament; the king marched into Galloway, and reduced that province without reſiſtance. The inhabitants of Douglas-dale being more obſtinate, their country was abandoned to the ſpoil of the king's forces. The earl, however, and his friends, the chief of whom was Sir James Hamilton, were ſtill able to keep the field with a mighty army. With this they marched towards the king, while employed in beſieging the ſtrong caſtle of Abercorn; but the earl having reſolved to defer engaging with the king's army, until the day after he had arrived in its neighbourhood, was in the intervening night deſerted by the lord Hamilton, who going over to the king's camp, threw himſelf on his mercy, and was ſoon after received into a high degree of favour. The deſertion of Hamilton being publiſhed in the earl's camp, produced an inſtant and almoſt total diſſipation of his army, ſo that he and his brothers, attended with a very ſmall company, were obliged to ſeek refuge in England.

Rym. vol. xi. p. 326.

Abercomby. Drummond.

In that kingdom, every thing conſpired to depreſs the unfortunate Henry, and to promote the aſpiring views of his rival, the duke of York. A laſt effort had been made for the recovery of Guienne, which for ſome time had a promiſing appearance, but this vaniſhed upon the defeat and death of the brave Talbot; and that province was ſoon after wholly and for ever loſt to the crown of England. In the beginning of the following year, Henry fell into a violent diſeaſe, that deprived him for a long time of the ſmall portion of underſtanding he naturally poſſeſſed. This encouraged York with his powerful aſſociates the earls of Saliſbury and Warwick, to come to parliament; in which, and in the city of London, their favour and credit were ſo great, that Somerſet being committed to the Tower, York was appointed by the council the king's lieutenant for holding the parliament, and ſoon after, was inveſted by the parliament with the office of protector and defender of the realm and church of England, which he was to exerciſe until the prince of Wales, an

A. D. 1454. Carte, vol. ii. p. 745, 746, 747.

* The promiſe and proteſtation, on the part of Scotland, was made by the earl of Douglas; and on the part of England, by Richard earl of Saliſbury. They were made on the ſame day that the truce were ſigned. Rym. ib p. 336. The Engliſh conſervators are the ſame as in the former truce. In the Scottiſh liſt, James Rutherford is omitted, and Andrew Ker appears in his room, and Robert Lawder in the room of William Lawder.

† Her name was Beatrix.

infant

infant not many months old, ſhould come to age. But the king having recovered, in ſome degree, from his diſtemper, the influence of the queen prevailed with him and his council, to reſtore the duke of Somerſet to his liberty, and to annul the commiſſion of the duke of York. This produced the firſt battle of St. Albans, where the duke of Somerſet, Henry Percy earl of Northumberland *, and many other eminent perſons on the king's ſide were ſlain; and the unhappy monarch falling entirely under the power of the duke of York and his junto, found himſelf obliged to juſtify all they had done, and to confirm them in the poſſeſſion of their great offices.

James II. K. of Scotland.

A. D. 1455. March 31. May 22. Thurſday. (Hard.)

Such was the ſituation of the court of England, when the earl of Douglas obtained the grant of a penſion from Henry of 500 l. a year, to be paid for ſervices to be rendered by him, until he ſhould recover the whole, or greateſt part of his poſſeſſions, which had been taken from him by the perſon *who called himſelf King of Scotland*; and in caſe of his recovering half of theſe poſſeſſions, he was to receive half of the above mentioned ſum. The earl had, in the beginning of this year, made an incurſion into the weſt borders, and coming to an engagement with the earl of Angus, aſſiſted by the Maxwells, Johnſtons, and Scots, received a total defeat; wherein one of his brothers, Archibald earl of Murray, was ſlain, and another of them, Hugh earl of Ormond, taken priſoner. With the utmoſt difficulty he, and another of his brothers, John lord Balveny, made their eſcape to the territories of Donald earl of Roſs and lord of the Iſles; and having engaged him to become an accomplice in their rebellion, found means of returning again into England.

Rym. vol. xi. p. 367. Aug. 7.

The diſtreſs that the Scottiſh king had ſuffered from the exorbitant power and ambition of the Douglaſſes, prompted him to provide againſt ſuch evils by laws as well as arms. Several uſeful ordinances in this view were made in different ſeſſions of a parliament held during the preſent year. An act was made againſt offices being hereditary, particularly that of the warden of the marches; and all grants that had been made of ſuch offices, ſince the deceaſe of the late king, were appointed to be revoked, excepting that of the warden of the marches, which the king had granted to his ſon Alexander, whom he had created alſo earl of March and Annandale. At a meeting of the ſame parliament, held at Stirling in October, regulations were made for defence of the kingdom againſt any irruption of the Engliſh; who having violated the truce, appeared now openly in ſupport of the earl of Douglas. In this view it was judged expedient, that proper perſons ſhould watch at fords, and other places between Roxburgh and Berwick, in order to advertiſe the country of the approach of enemies. The manner appointed of giving this advertiſement, was by kindling fires on the tops of eminences. For inſtance, when thoſe who watched at the ford in Tweed neareſt to *Home*, obſerved an enemy approaching, a fire was to be kindled at that place, or in the heights adjacent; which being ſeen by thoſe, who watched on other hills within ſight, the like fires were to be

Black Acts apud Abercromby, vol. ii. p. 363, 364, 365.

Hume.

* Th' erle then of Northumberland was there,
Of ſodain chance drawn forthwith the king,
And ſlain unknown by any man were there. Hard. c. 234.

Henry VI. K. of England. 1455. kindled on them; by which means the alarm would ſoon be conveyed to the moſt diſtant parts of the kingdom. The kindling of *one* fire was to be conſidered as a general intimation that enemies were approaching. If their number was conſiderable, *two* fires were to be lighted; and the number increaſed to three or four, according to the exigency of the caſe. It was judged, that by ſuch a method of warning, ſufficient numbers might be drawn together to Edinburgh or Haddington, to oppoſe the invaders, before they could penetrate far into the country. By another ſtatute, two hundred ſpearmen, and as many archers, were appointed to be ſtationed on the eaſt and middle marches: the forces abovementioned, were to be maintained at the expence of the lords, barons, and freeholders of the country; and in order to make an equal aſſeſſment on theſe, the ſheriffs were appointed to tranſmit to the king liſts of their names, with an account of the value of their lands and moveables. The gentlemen near the borders, were required to make their houſes as defenſible as they could, to chuſe ſtrong and able-bodied men for the ſervice of the war, and to have their horſes and arms in readineſs at the principal places of their reſidence, in order to attend the wardens or their chiefs, when required.

A. D. 1456. Theſe vigorous preparations for defence, did not deter the earl of Douglas from making new efforts to regain his eſtates and poſſeſſions in Scotland, and to revenge himſelf of his adverſaries. While his ally, Donald of the Iſles, was diſtreſſing the northern provinces by his barbarous ravages, Douglas, accompanied by the deſperate followers of his fortunes, and aſſiſted by Henry Percy, earl of Northumberland, at the head of a conſiderable body of Engliſh, made an incurſion into the Mers. Here he gave licence to his men to plunder and deſtroy, whereby he loſt the affections of his countrymen; and while a great part of his followers, and thoſe of the earl of Northumberland, were diſperſed over the country, the earl of Angus, and Sir James Hamilton, ſuddenly appeared at the head of an army. A ſtand was made by ſo many of the forces of the invaders as could be drawn together; but they were totally defeated, many of them ſlain, and ſeven hundred taken priſoners; while thoſe who were employed in plundering, retired with all the ſpeed they could into England, with their booty, which was very conſiderable. Douglas being thus again repelled, and his ally in the North ſoon after reduced to extremities, withdrew into England, and gave no farther diſturbance to his country, during the reign of James II. It appears, however, to have been equally the maxim of all adminiſtrations in England, to ſupport the head of ſo mighty a family, formidable to his ſovereign at home, and, at the ſame time, by his power on the marches, capable alſo of being very uſeful or hurtful to England. For though the queen, in the beginning of the year, had regained the aſcendant in the government, and the duke of York was diſmiſſed from his charge; yet the grant of the ſame penſion * that had been ſettled on Douglas by the court of

Buchanan. Drummond. Abercromby.

Holingſhed, p. 276.

July 22.

* Douglas, in both theſe grants, is called the king of England's *faithful and beloved*, and the penſion is granted for *his ſervices*; proofs that he had ſworn allegiance to the Engliſh king. Part of his penſion, by the ſettlement made in the grant of this ſummer, is appointed to be paid out of the rents and profits of certain fiſheries in Tweed, in the county of Northumberland. Of theſe Oxſtalle, Hexſtalle, See, Cadman, and Stret, are mentioned. Rym. ib. p. 382.

A few

of England laſt ſummer, was renewed in the courſe of this, with an alteration only in the funds on which it was aſſigned. James II. K. of Scotland.

The advantages gained on the borders, by the arms of the Scottiſh king, ſeem, in a great degree, to have diſſipated his apprehenſions on that ſide. A parliament that met in October at Edinburgh, were of opinion, that the borderers were in a condition to defend themſelves; their ſtore of corn being greater than in the preceding year, and that of their neighbours in England leſs. A ceſſation of arms had alſo been agreed until Candlemas, on the eaſt and middle marches; which the parliament apprehended might, without difficulty, be extended to the weſt. They alſo judged, that, from the preſent circumſtances of the Engliſh, they would eaſily conſent to prolong this ceſſation. Yet, to provide for the worſt that might happen, they appointed the fencible men of the inland country to be in readineſs with their horſes and arms, and to be muſtered once every thirty days. They likewiſe adviſed the king to procure the help of the great towns in furniſhing cannon, carriages, and ſkilful artillery-men. 1456. Aberc. vol. ii. p. 367.

It ſoon appeared, that the Scottiſh parliament had not been miſtaken in their conjectures, concerning the pacific diſpoſition of the court of England. A negociation being ſet on foot in the following ſpring, a new truce was on the 10th of June concluded at Coventry, to commence from the 6th of July at land, and from the 22d of the ſame month at ſea, and to continue two years, reſpectively, from theſe dates *. The treaty of this truce conſiſted of the ſame articles, and was accompanied with the ſame proteſtations as the preceding; only the article relating to wool and hides, which had been omitted in ſome of the preceding treaties, was reſtored in this; and alſo the article relating to the ſubjects of either kingdom going into the ſervice of the enemies of the other †. In the end of the year, the two kings, without any new meeting of A. D. 1457. Rym. vol xi. p. 389. Ib. p. 346. Ib. p. 331. Rym. ib. p. 407.

A few days after this grant, a letter, in a moſt reproachful and menacing ſtrain, as to a faithleſs and rebellious vaſſal, was written by the king of England to the king of Scotland; and it appears, from the tenour of it, to have been a return to one written in the ſame ſpirit by the king of Scotland to his royal neighbour, and ſent by his Herald Lion king at arms. Rym. vol. xi. p. 383.

* It was to be afterwards continued, at the pleaſure of the kings, in the ſame way as had been agreed in the late treaties. Only the previous warning of one hundred and eighty days is here changed into ſix kalendar months.

† The revival of this article ſeems to have been occaſioned by preparations that were making in France to invade England; in which ſervice, it was probable ſome of the Scots would engage. Stowe mentions an inroad made about this time, by the Scots into Northumberland, and of their retiring in haſte, on hearing of the duke of York leading an army towards them, p. 402. But there is no mention of this in the Scotch hiſtorians.

The Engliſh commiſſioners, employed in negociating this treaty, were, John Prior of St. Mary's church in Coventry, Mr. Laurence Both, keeper of the privy ſeal, and archdeacon of Richmond, Mr. John Arundel, chaplain to the king, and Sir Philip Wentworth. Thoſe from the king of Scotland, were, Andrew abbot of Melroſe, Patrick lord Graham, Thomas Vauſe dean of Glaſgow, king's ſecretary, and George Faulaw, merchant.

The Engliſh conſervators are the ſame as in the laſt truce. Only a new Henry earl of Northumberland appears, in the room of his father, who was ſlain at St. Alban's. Inſtead of Thomas Stanley, is Thomas lord Stanley, and Ralph Grey is omitted. In the Scotch liſt there are a good many more alterations. It ſtands in this treaty as follows: John earl of Athol (uterine brother to the king), John earl of Roſs, George of Angus, Alexander of Huntley, William of Caithneſs, John lord

Henry VI. K. of England.

1457. of commiſſioners, agreed to a prolongation of this truce, in all its articles and conditions; to be obſerved both by land and ſea, for four years after the terms of its expiration that had been fixed in the late treaty ‡.

The ambition and great power of the duke of York, and his two mighty allies, the earl of Saliſbury, whoſe ſiſter York had married, and the earl of Warwick, Saliſbury's ſon, on the one hand; and the incurable jealouſy and reſentment of the queen againſt theſe lords and their faction on the other, prolonged the inteſtine troubles of England. The queen, in the former part of this year, thought to have got the heads of the faction into her power at Coventry; but being warned by their ſecret friends at court of her intention, they retired with all ſpeed to places of ſafety. Warwick's retreat was Calais;

A. D. 1458. the government of which rendered him very formidable. In the beginning of the next year, by the mediation of the archbiſhop of Canterbury (Bourchier) and others, and at the earneſt deſire of the poor innoxious monarch, a meeting of the contending parties was held at London, and a ſolemn agreement concluded between them. In conſequence of this, York and his friends were reſtored to their places in the king's council, and many months paſſed in ſeeming tranquillity; but an end was put to this about the following Candlemas,

Carte, vol. ii. p. 751. A. D. 1459. by a quarrel between the ſervants of the king and the earl of Warwick, which proceeded to ſuch a height, as to endanger the earl's life, and was ſoon diſcovered to have been a contrivance of the queen to deſtroy him. Warwick hurried over to Calais; and Saliſbury, having in vain ſolicited ſatisfaction for the attempt on the life of his ſon, raiſed, in concert with the duke of York, a body of forces in Yorkſhire, with which he defeated at Bloreheath an army

Sept. 23. in the ſervice of the king, commanded by lord Audley. But about three weeks after, a ſad reverſe came on the affairs of York, by a ſudden deſertion and diſſipation of his followers, when juſt ready to encounter a new army,

Oct. 13. which the king had raiſed and led againſt him, to Ludeford, in the neighbourhood of Ludlow. The duke himſelf, with his ſecond ſon the earl of Rutland, fled to Ireland; and the earl of March, his eldeſt ſon, together with the earls of Saliſbury and Warwick, made their eſcape to Calais.

Rym. ib. p. 426. Although the court of England, during the ſummer of this year, had maintained the aſcendant over the Yorkiſts; yet, aware of the ſtorm that was gathering, they ſtill took care to cultivate the friendſhip of the king of Scotland. Nor was this prince averſe to pacific meaſures. Commiſſioners were named

Somerwell, Robert lord Maxwell, Alexander lord Montgomery, Andrew lord of Annandale, Patrick lord Hales, Andrew lord Gray, Alexander ſheriff of Angus, Archibald ſheriff of Roxburgh, Alexander Home, Walter Scot, Simon Glendinning, Robert Crighton ſheriff of Nithſdale, William Cranſton, David Home, knights, Thomas Cranſton of that ilk, James Rutherford, ditto, John Johnſton, ditto, Andrew Ker of Ceſsford, George Ormſton of that ilk, Charles Murray of Kokpool, William Karliſle of Torthorwald, Eſq. In all theſe treaties, the wardens of the marches on each ſide, and admirals of the ſeas, are, without particular mention of their names, added to the liſt of conſervators.

‡ The king of Scotland gives as his reaſon, for conſenting to this prorogation, his earneſt deſire of preſerving the peace of his ſubjects, and of keeping the ſame with all Chriſtians, and his regard to the admonitions of Pope Calixtus, exhorting all Chriſtian princes to peace among themſelves, in order to the defence of the catholic faith againſt the Turks.

by

by each king in the month of July, to meet at Newcaſtle, in order to treat of mutual redreſs of wrongs committed againſt the truce; and at that place was alſo concluded, on the 12th of September, a prolongation of it for five years beyond the period laſt agreed to; which extended it to July in the year 1468 *. The terms of this truce were altogether the ſame as that of the preceding; but it was not accompanied with any of the proteſtations annexed to the treaties of this kind that had been concluded ſince 1449 †. James II. K. of Scotland. 1459.

The flight of York and his allies, with the total diſſipation of their adherents and followers, made the queen and court of Henry imagine, for a while, that all was ſecure on their ſide. They proceeded therefore, in a parliament ſoon after called at Coventry, to declare the inſurgents rebels and traitors, and to confiſcate their eſtates. But the intereſt of York, and that of the earl's allies, was ſo ſtrong in many parts of the nation, and the queen and her favourites ſo generally hated, that thoſe ſeverities ſerved much more to ſharpen the zeal and reſentment of the Yorkiſts, than to diminiſh their ſtrength. Warwick, after having made a voyage from Calais to Ireland, in order to concert matters with the duke of York, paſſed over, accompanied with March and Saliſbury, into Kent; where the ſmall body they had tranſported from Calais ſoon increaſed to a conſiderable army, by the great conflux from all the neighbouring countries. They were received with open arms by the citizens of London, on the 2d of July; and proceeding thence to Northampton, fought, and gained a battle, wherein the king fell into their hands; and from which the queen and her ſon, the young prince of Wales, made their eſcape, firſt into North Wales, and afterwards into Scotland ‡. Nov. 20. A. D. 1460. July 10.

It is more than probable, that the king of Scotland had been ſolicited by each of the contending parties, to engage on their ſide. But that an amicable intercourſe ſubſiſted between the courts of England and Scotland, a very ſhort time before the deſcent from Calais, ſeems probable from a ſafe-conduct granted at Coventry, on the 2d of June, to commiſſioners from the Scottiſh king, who were to come to York, Newcaſtle, or Durham, in order to treat of matters relating to the preſervation of the truce, and the redreſs of wrongs committed, in breach of it, by the ſubjects of either nation. The diſorders that immediately followed, did, undoubtedly, prevent this intended congreſs of commiſſioners; and of theſe diſorders, the king of Scotland delayed not to take advantage, in order to recover the places which the Engliſh had long Rym. ib. p. 453.

* The commiſſioners who negociated this truce were, on the part of England, Laurence biſhop of Durham, keeper of the privy ſeal, John viſcount Beaumont, great chamberlain of England, Richard Andrew, dean of York, and John Lilliford, dean of Aukland; on the part of Scotland, Thomas biſhop of Aberdeen, counſellor to the king, Archibald and Andrew abbots of Holyrood-houſe, and of Melros, William lord Borthwick, Sir Robert Livingſton of Drumroy, and Mr. Nicholas Otterburn, clerk of the rolls and regiſter.

† Perhaps they are omitted by Rymer. In the liſt of Engliſh conſervators, among the noblemen, Thomas lord Stanley is omitted, and John earl of Shrewſbury (ſon of the famous Talbot) is added: inſtead of Thomas, is John lord Clifford; the knights and gentlemen are Thomas Neville, Ralph Gray, James Strangeways, Henry Fenwick, Robert Ogle, Thomas Harington, Thomas Lumley, Richard Muſgrave, John Heron, Thomas de la More, Robert Manners. The Scots conſervators are all the ſame as in the preceding treaty.

‡ Some ſay into the biſhoprick of Durham. Rapin, vol. i. p. 584.

held

Henry VI. K. of England. A. D. 1460.

held within the ancient boundaries of his kingdom. Having ſpeedily raiſed an army, he led it againſt Roxburgh †. At the firſt aſſault he took the town, and levelled it to the ground. He then laid a regular ſiege to the caſtle; but carried it on ſlowly, hoping that the little proſpect the garriſon had of relief from their countrymen, would diſpoſe them to capitulate; and alſo waiting for the arrival of more forces from the diſtant parts of his kingdom. The earl of Roſs, in order to compenſate for paſt offences, by a diſplay of zeal in the preſent ſervice, brought a numerous band from the Weſtern Highlands and Iſles. About the ſame time arrived the earl of Huntley, with his followers. The king, as a mark of friendſhip to the earl, to whom he had owed ſo much for his ſervice in the rebellion of Douglas, conducted him to the trenches to ſee a diſcharge of his artillery; one of which, called the Lion, was remarkable for its vaſt ſize. The king was very fond of theſe engines of death; and ſtood ſo nigh to one of them, which burſt in diſcharging, that a ſplinter, or wedge of it, broke his thigh-bone, and inſtantly ſtruck him dead. The earl of Angus, who ſtood near him, was ſore wounded. The queen, with her eldeſt ſon, a boy about ſeven years of age, was in the camp at the time of this miſerable accident, or arrived ſoon after it. She ſuſtained the loſs with heroic firmneſs, and urged the Scottiſh chieftains to ceaſe their unavailing lamentations, and to teſtify the regard they bore to their ſovereign, by puſhing on with unabated vigour, the enterpriſe in which he had fallen. Her example, and exhortations, had a great effect in exciting the beſiegers to exert their utmoſt efforts; and the garriſon ſoon finding themſelves reduced to extremities, ſurrendered the fortreſs, on obtaining leave to retire with their perſons and goods in ſafety. And that the place, which the Engliſh had held for more than a hundred years, might thenceforth ceaſe to be a center of rapine and violence, or a cauſe of future ſtrife between the nations, the victors reduced it to a heap of ruins. The Scottiſh nobles ſeizing alſo the opportunity of their being aſſembled in the royal army, performed at Kelſo, the ceremony of conſecrating and crowning the young king; and afterwards paid their homage, and ſwore fealty to him in the uſual manner.

Ib. p. 374. Grafton, ap. Speed.

Aug. 3.

† Moſt of the Engliſh writers ſay, that the king of Scotland undertook this expedition at the ſolicitations of the court of Henry; aſcribing the ſucceſs of theſe ſolicitations to the relation of the Scottiſh king, by his mother, to the houſe of Lancaſter, and to the deſire of James to revenge the death of his uncle the duke of Somerſet, who was ſlain in the firſt battle of St. Alban's. Some of them alſo ſay, that the caſtle of Roxburgh was in the keeping of Henry's enemies (Speed, p. 670). The greateſt part of Scotch writers, on the other hand, aſſert, that the king entered England at the deſire of the Yorkiſts; that a feigned embaſſy from the Pope, ſuborned by Henry's miniſters, prevailed with him at firſt to diſmiſs his army; that, on diſcovering the impoſture, he raiſed it anew; farther, that the duke of York engaged him to undertake this expedition, by an offer of reſtoring the lands and fortreſſes in England held of old by the Scots; and that the duke, after having ſecured his own pretenſions, by the victory at Northampton, ſent a meſſage to the king of Scotland, while before Roxburgh, deſiring him to return to his own dominions, his aid being no longer neceſſary; which requeſt that monarch rejected with diſdain. The latter circumſtances of this account do not agree with the chronology of the events of thoſe times. The other account ſeems, on the whole, more probable; though perhaps Drummond's conjecture is more likely than either; that the king of Scotland, leaving to poſterity to divine what ſide he had reſolved to join, ſeized the opportunity of the diſtractions in England to recover Berwick and Roxburgh; which had been torn from Scotland, during conteſts for the crown of that nation, reſembling thoſe that had now ariſen in England. Drummond, p. 35. fol.

Henry,

James III. K. of Scotland.

Henry, who, ſince the battle of Northampton, remained wholly in the power of the earls of Saliſbury and Warwick, gave a commiſſion, bearing date nine days after the death of the Scottiſh king, to the former of theſe earls, to raiſe the fighting men of ſeven of the northern counties *, and to march at their head, to oppoſe the invaſion of James king of Scotland; and particularly to reſcue the caſtle of Roxburgh, and town of Berwick, from the ſieges, which, according to very credible information, the Scots had laid to both. It is probable, from this authority, that the Scots had made a ſhow of beſieging Berwick, or perhaps blockaded it for ſome time. But it does not appear that any progreſs was made in that enterpriſe. The Scottiſh army, however, continued for ſome time gathering booty to themſelves, by hoſtilities on the Engliſh marches; where they laid waſte the country to a conſiderable extent, and deſtroyed ſeveral caſtles. The moſt remarkable of theſe was the caſtle of Wark; which, in this inroad, they took and demoliſhed. An early winter, more than any oppoſition they had to fear from England, in its preſent convulſed ſtate, haſtened their return to their own country.

1460. Rym. ib. 461.

Buchanan.

Richard duke of York, returning from Ireland, on the news of the ſucceſs of his friends in England, laid open claim to the crown, at a parliament held at Weſtminſter in October. By this parliament he was declared *rightful heir*; but it was ordained, that Henry ſhould hold the crown during the remainder of his life; and that, while Henry lived, York ſhould be protector of the kingdom. But the queen, inſtead of approving of this ſettlement, or obeying a ſummons that was ſent to her to return to the court, with her ſon, in order to their giving their concurrence to it; exerted all her efforts to raiſe an army in the northern counties, where the barons were, for the moſt part, on her ſide. The duke of York marched haſtily againſt her; and diſdaining to be braved by a woman, had the temerity to encounter her army, although more than three times ſtronger than his own, in the neighbourhood of Wakefield. He himſelf fell in the field of battle. His ſecond ſon Rutland was killed by the lord Clifford in his flight; and Saliſbury being taken priſoner, was beheaded at Pomfret. This heavy loſs did not diſcourage the earl of March, York's eldeſt ſon, a youth at that time about eighteen years old. He had been ſent by his father to raiſe forces on the borders of Wales. With theſe, ſoon after the battle of Wakefield, he gave a defeat, at Mortimer's Croſs, near Ludlow, to an army of Welſh and Iriſh, who were on their way to join the queen. This victory put him in condition to give a timely ſupport to the earl of Warwick, who had been defeated by the queen in the ſecond battle of St. Albans; her regaining the poſſeſſion of Henry, by this victory, gave her a new acceſſion of ſtrength. Her army conſiſted, in great part, of the inhabitants of the northern marches; who had been allured to follow her, by the promiſe of licence to plunder the country on the ſouth of Trent. Accordingly, giving a looſe to their domeſtic habits of rapine and cruelty, they ſpread deſolation all around them; and thereby greatly hurt the cauſe they

Dec. 30.

A. D. 1461.

Feb. 1.

Feb. 17.

* Theſe were, York, Nottingham, Derby, Cumberland, Weſtmoreland, Northumberland, and Lincolnſhire.

Henry VI. K. of England. 1461.

were employed to ſerve. London ſhewing an unſurmountable averſion to the queen, and horror of her followers, and the young duke of York and Warwick approaching faſt towards her, ſhe thought proper to retire to the north, allowing her adverſaries an undiſturbed entrance into the capital. The intereſt which the deceaſed duke had long poſſeſſed in the affections of the citizens, joined to his ſon's proweſs and extraordinary comelineſs of perſon, made his way very eaſy to the throne; which he mounted with the univerſal applauſe of the city and army. But the ſpirit of the queen was invincible; and Henry had ſtill a great party attached to him in the northern parts of the kingdom. The forces raiſed in theſe provinces, together with ſome drawn from the marches of Scotland, are ſaid to have amounted to no fewer than ſixty thouſand. Edward and Warwick, at the head of forces conſiderably inferior in number, marched againſt this northern army, and having encountered them, between Saxton and Towton *, after a moſt tedious and bloody conflict, gave them a total defeat; which did at laſt decide the quarrel in favour of the houſe of York. Beſides many other men of renown, the great northern earls † of Northumberland and Weſtmoreland fell in this field of blood. Henry and his queen waited the event of the battle at York; and as ſoon as they learned it, fled with the utmoſt precipitation into Scotland, accompanied by the dukes of Somerſet and Exeter, and others of their friends.

Edward IV. K. of England. March 4.

March 29.

The regency of Scotland had been intruſted, during the minority of James III. by the parliament, to a council of lords and prelates; amongſt whom, to the unſpeakable benefit of his country, James Kennedy, biſhop of St. Andrews, a man mature in years and wiſdom, maintained the aſcendant, while he lived. The queen-mother, who is ſaid to have aſpired to the regency in her own perſon, was obliged to content herſelf with the guardianſhip of the king and her other children. The Scottiſh regency gave a hoſpitable reception to the royal fugitives from England. To this they might be in part inclined, by the connexion of blood between their ſovereign and the houſe of Lancaſter, and by the intereſt that Henry had in thoſe counties of England that bordered on Scotland. But farther to attach to his intereſts the court and nation of Scotland, Henry gave up the town and caſtle of Berwick; which the Engliſh had held, without any conſiderable interruption, for the ſpace of one hundred and twenty-eight years. This ſurrender was made to the Scots on the 25th of April; and the young king of Scotland made a viſit to his new acquiſition, on the 15th of the following June. Another circumſtance favoured the intereſt of the unfortunate Henry at the Scottiſh court: Margaret of Anjou the exiled queen, and Mary of Gueldre the queen-dowager of Scotland, were both of the royal blood of France; and they very much reſembled each other in their bold and maſculine tempers. Hence a ſtrict friendſhip ſoon aroſe between them; the conſequence whereof was, the project of a marriage between Edward the eldeſt ſon of Henry, and Mary eldeſt ſiſter to James of Scotland; to which the court of Scotland, and followers of Henry, readily gave their conſent.

Rot. parl. 1 Edw. IV. ap. Carte, vol. ii. p. 762. Stowe, p. 416.

* About ten miles ſouth from York.

† Henry Percy and John Neville.

James III. K. of Scotland.

1461.

Edward king of England, after his great victory at Towton, marched northward as far as Newcaſtle; but although ſeveral caſtles in Northumberland continued in the hands of his enemies, he did not think the reducing them of ſo much moment as to detain him in the north. He committed to the earl of Warwick the charge of the borders, with the title of warden and commiſſary-general of the marches of England towards Scotland, in the parts both of the eaſt and weſt march, and of the king's dominion of Scotland; and left in the north a body of troops to oppoſe the excurſions from the fortreſſes that were poſſeſſed by the friends of Henry. He alſo empowered Warwick, to treat and conclude truces, from time to time, with the king of Scotland; and that the court of Scotland, notwithſtanding the reception they had given to Henry, did not utterly renounce friendly communication with Edward, appears from a ſafe-conduct granted by the latter to ſeveral Scotchmen of the firſt rank coming as ambaſſadors into England. The charge of the eaſt-marches, and the Engliſh king's dominion in Scotland, being ſoon after devolved on Sir Robert Ogle, this new warden was authoriſed to conclude a truce with Scotland, for a year, or any leſs ſpace, after the enſuing term of Martinmas; from which it ſeems probable, that a ſhort truce, already ſubſiſting, was at that time to expire. Edward, however, knowing how deeply the Scottiſh court were engaged in the intereſts of Henry, was taking care, in the mean time, to find them work at home, by carrying on a treaty with the lord of the iſles; who became his liegeman, on condition of certain annual penſions to himſelf and friends, and of his receiving and holding, of the crown of England, the northern provinces of Scotland, when that kingdom ſhould be conquered from its preſent ſovereign. The exiled earl of Douglas was employed in negociating this treaty with his old friends; and, beſides his penſion being continued, that had been ſettled on him in the preceding reign, it was an article in the treaty with the lord of the iſles, that, on the event of a conqueſt being made of Scotland, by the king of England and his allies, Douglas ſhould be reſtored to his lands on the ſouth of the Scottiſh ſea, holding them of the crown of England. The king of England alſo engaged, that each of theſe chieftains, or their dependents and followers, ſhould be comprehended in any truce that might be concluded between him and the king of Scotland.

Rym. ib. 475.

Auguſt 2.

Sept. 24. Ib. p. 476.

Nov. 5. Ib. p. 477.

Ib. p. 484.

Ib. p. 491.

Mean while Henry's queen had paſſed over into France, to ſolicit aſſiſtance from Louis XI. who had lately ſucceeded his father Charles VII. But the circumſtances of the queen were too deſperate, and the character of Louis too intereſted, for her obtaining any effectual ſuccour from that quarter. She was allowed however to levy a ſmall number of troops; and Peter de Brezé, a commander of fame, who having incurred the king's diſpleaſure was at that time in priſon, was reſtored to liberty, on condition of his entering into the ſervice of René king of Sicily, the father of the exiled queen, and conducting the troops raiſed for her ſervice into England. Brezé, after a hard paſſage, landed on the coaſt of Northumberland with about five hundred men at arms. He was ſoon after beſieged in the caſtle of Alnwick, by the lord Haſtings, Sir Ralph Gray, and Sir John Howard. This ſiege afforded an

A. D. 1462.

Edward IV. K. of England.

1462.

opportunity to *George Douglas*, earl of Angus, to exert himſelf in the ſervice of the exiled king and queen; who had taken care to attach him to their intereſts, by a large grant of lands in England. Angus, who was warden of the Scottiſh marches, collecting a numerous body of horſe, advanced with them very ſuddenly into the neighbourhood of Alnwick; and Brezé bravely ſeconded the effort made to ſave him, by ſallying out with his Frenchmen; who, meeting with no oppoſition from the beſiegers, were conveyed by Angus, in ſafety, into Scotland ‡. Margaret finding that the ſuccours which had come from France were too inconſiderable to encourage the Northumbrians to join her, failed over again, in the ſpring of the following year, into that country, from the weſt of Scotland. Having obtained the loan of a ſmall ſum, and a ſupply of two thouſand men from the French king, on condition of delivering up Calais, as ſoon as that ſhould be in her power, ſhe ſet ſail for the northern coaſt of England, and landed in October near Bamburgh. Still the country did not take arms in her favour; but either, through the treachery of Sir Ralph Gray, who was made governor of the caſtle of Alnwick, after the French had left it in the preceding ſummer, or on account of ſcarcity of proviſions, that fortreſs ſoon fell into her hands. Hearing however of Edward's approach *, with a numerous army, ſhe found it neceſſary again to ſeek refuge in Scotland. For this purpoſe ſhe went on board the fleet that had brought her from France; and her general, Brezé †, accompanied her with ſome part of his forces. But a violent tempeſt ſuddenly ariſing, the queen, not without great danger, eſcaped into the port of Berwick; and Brezé being driven aſhore at Holy Iſland, his ſhips were burnt, and four or five hundred of his men were either made priſoners or killed, by the baſtard Ogle and John Manors: Brezé himſelf eſcaped in a fiſher-boat, which conveyed him to the queen at Berwick. Edward, on arriving in Northumberland, finding no enemy in the field, laid ſiege, at once, to the three caſtles of Alnwick, Bamburgh, and Dunſtanburgh §. Bamburgh was ſurrendered on Chriſtmas eve; and the duke of Somerſet and Sir Ralph Percy, who had held it out for Henry, were pardoned and received into favour, while the

1462. Aberc. vol. ii. p. 386.

Buchanan.

A. D. 1463.

William Wyrceſtre, ap. Carte, vol. ii. p. 766.

Carte, vol. ii. p. 766.

Stowe, p. 417.

Carte.

‡ Carte ſays, that this undiſturbed retreat of the French, was in conſequence of an agreement between the beſiegers and the Scotch army. Carte, vol. ii. p. 766. The caſtle was entered by Edward's men 30th July. Carte, ibid.

* Edward ſet out from London on November 30, St. Andrew's day. Stowe, p. 417.

† Brezé's ſon, together with the lord Hungerford, were intruſted with the keeping of the caſtle of Alnwick, with a garriſon of three hundred men. The duke of Somerſet, the earl of Pembroke, the lord Roos, and Sir Ralph Percy, had the keeping of the caſtle of Bamburgh, with a garriſon of three hundred men. Some others of leſs note kept the caſtle of Dunſtanburgh, with one hundred and twenty men. Stowe, p. 417.

§ The caſtle of Alnwick was beſieged by the earl of Warwick, the earl of Kent, the lord Powis, the baron of Grayſtock, the lord Cromwell, and ten thouſand men. The caſtle of Bamburgh, by the earl of Worceſter, the earl of Arundel, the lord Ogle, the lord Mountague, and one thouſand (as it is printed in Stowe; probably it ſhould be ten thouſand) men. At the ſiege of Dunſtanburgh (wherein were Sir Richard Tunſtal, Thomas Findern, Dr. Morton, and others, with one hundred and twenty men) were, the lord Wenlock, the lord Haſtings, and two other lords, with ten thouſand (ſo printed in Stowe, perhaps it ſhould be only one thouſand) men.

earl

earl of Pembroke and lord Roos made their eſcape, or were ſuffered to retire into Scotland. Dunſtanburgh was yielded three days after; and Alnwick, which was beſieged by the earl of Warwick, was taken on the 6th of January; the French general Brezé, at the head of ſome of his own countrymen and a conſiderable army of Scots, having attempted in vain to relieve it*. In the following ſpring queen Margaret ſtill renewed her efforts; but they were the laſt ſhe made from that quarter. The government of Scotland had, in effect, abandoned her, by a truce concluded with Edward in the preceding December; but the intereſt ſhe had cultivated with ſome of the Scottiſh chieftains, and the hopes of booty, inſpired by the licence ſhe gave of plundering, enabled her again to enter Northumberland †, at the head of a very numerous army. Sir Ralph Gray ſurpriſed the caſtle of Bamburgh; which, as well as that of Alnwick, was in the keeping of Sir John Aſtley; and having garriſoned it with Scotchmen, held it for the queen. The duke of Somerſet and Sir Ralph Percy, animated by the accounts they received of her numbers and ſucceſſes, deſerted Edward, and joined her, with their followers. Edward, alarmed by theſe commotions, ordered a fleet to the northern coaſt; and marched himſelf to York, accompanied by his chief nobility and a large army. But the ſtorm was ſoon quaſhed by the vigilance and bravery of Sir John Neville lord Montacute, brother of the earl of Warwick, whom Edward had, in the preceding ſummer, appointed warden of the eaſtern march, and of his dominion in Scotland ‡, and to whom he now ſent a reinforcement of good troops from the interior parts of his kingdom. A party of Henry's forces were defeated by Neville at Hedgely-moor, where Sir Ralph Percy, deſerted by his companions in command, fell fighting bravely in the field of battle §. And, three weeks after, Neville, having attacked the principal invading army in their camp at Livels, near Hexham, totally defeated and diſperſed them. The queen and her ſon, with the utmoſt difficulty, and, as it is related, by the aid of a generous robber, having gained the ſea-coaſt, paſſed over to Sluys in Flanders; while the poor king was conveyed by ſome of his friends into Lancaſhire; where, after lurking more than a twelvemonth, he was diſcovered, and carried priſoner to the Tower of London. The lord Montacute, twelve days after the battle of Hexham, was, in reward of his great ſervices, created

James III. K. of Scotland. 1463.

A. D. 1464. Carte, p. 767.

Rym. vol. xi. p. 510.

Rym. vol. xi. p. 500.

Hall, f. 190. April 25.

May 15.

* The account given by Stowe of this expedition of Brezé, has a great reſemblance to that which the Scotch hiſtorians aſcribe to the earl of Angus, as above related, in 1462. The chronology of theſe events is very much embarraſſed by the inconſiſtent accounts of hiſtorians.

† Upon entering Northumberland, in this expedition, the queen left her ſon prince Edward at Berwick; but ſhe muſt have ſoon afterwards ſent for him, as he was with her at the battle of Hexham.

‡ By *his dominion in Scotland* is probably meant, Berwick, with its bounds, and the caſtle of Roxburgh, which after ſo long poſſeſſion it was natural for the king of England ſtill to claim.

§ Sir Ralph Percy, abandoned by the lords Hungerford and Roſs, his companions in command, fell fighting bravely in the field of battle; ſeveral of his faithful attendants ſharing in his fate. Percy, when dying, ſaid, that he had *ſaved the bird in his boſom*; meaning, that he had kept his promiſe and oath to Henry VI. In memory of his fall was erected, on the field of battle, the croſs which ſtill ſtands at a ſmall diſtance from the high-road, between Glantown and Wooller, called Percy's Croſs; and bearing rude ſculptures on its four ſides of the armorial enſigns of the Percy family. Hall, ibid.

Edward IV. K. of England.

1464.

earl of Northumberland †; and received a grant of the eſtate of the forfeited family of Percy. He was alſo empowered, in conjunction with the earl of Warwick, to receive rebels to mercy upon their ſubmiſſion. Sir Humphrey Neville and Sir Ralph Gray were the only perſons excepted from this privilege; and Warwick and Northumberland were empowered to reward, out of the eſtates of theſe rebels, ſuch as ſhould faithfully ſerve the king in reducing the caſtles of Northumberland, that were ſtill in the hands of traitors. Sir Humphrey Neville, being afterwards taken, was executed at York; and Sir Ralph Gray, knowing that his caſe was deſperate, defended the caſtle of Bamburgh until the end of July. This caſtle was beſieged by the two earls; and a tower of it being beaten down by their cannon, ſo cruſhed and ſtunned the governor in its fall, that he was taken up for dead, and the garriſon inſtantly ſurrendered the fortreſs: but, having recovered, he was carried priſoner to York; and judgment being pronounced againſt him, by the earl of Worceſter high conſtable of England, he was executed as a traitor *. Warwick advancing from Bamburgh to Berwick took the town ‡, and laid waſte the adjacent country. He is alſo ſaid to have burnt Jedburgh, Lochmaban, and many other places; taking in this manner revenge of the Scotch borderers, who, it is probable, were chiefly concerned in the late inroad into England §.

Rym. vol. xi. p. 427.

Stowe, 418.

Whatever aid Henry might have obtained in his two laſt incurſions from the unruly borderers, or ſome particular chieftains, who could not be ſufficiently reſtrained by the Scottiſh regency, it is certain, that the regents themſelves

† So ſays Carte, from Pat. 4. Edw. IV. p. 1. m. 10. But he is called earl of Northumberland in a joint commiſſion with the earl of Warwick, and the biſhop of Exeter, his brothers, and others, to negociate a truce with Scotch commiſſioners, dated at York, 26th May.

* Carte ſays, that, before his execution, he was degraded from the order of knighthood. The contrary appears from Stowe. Every thing was ready for this degradation; and particularly the maſter cook with his apron and knife, to ſtrike off the ſpurs cloſe by the heels; but this part of his puniſhment was remitted by the king, on conſideration *of his noble grandfather, who ſuffered trouble for the king's moſt noble predeceſſors.* Stowe, p. 418. who gives the very words of the high conſtable's ſentence.

‡ Warwick's taking of Berwick is probably a miſtake, as no other hiſtorian mentions it. If he did take it, upon his return to the ſouth, it is probable he abandoned the town as not tenable, and the Scots from the caſtle (which Stowe does not mention as taken by Warwick) immediately reſumed poſſeſſion of it.

§ Stowe ſays, that Warwick, after the expedition, in which he thus laid waſte the Scottiſh borders, returned to Berwick (p. 417). This circumſtance, joined to that of a long truce being concluded between the kingdoms, on the firſt of June 1464, and to an appointment of Warwick and others, dated 11th June, to hold a march-meeting at Lochmaban-ſtane, for mutual reparation of injuries, (Rymer, vol. xi. p. 527.) makes it appear very improbable that the taking of Berwick (if true) and inroad on the borders of Scotland, ſhould have happened this ſummer. Stowe ſeems to place it in the ſummer of the preceding year; and ſays, that Warwick, after taking Berwick, made in it five bannerets and twenty-two knights. He alſo ſays, that, about midſummer in the ſame year, the Scots, accompanied by many French and Engliſh, laid ſiege to the caſtle of Norham; but were not able to take it. It appears from a commiſſion to Warwick, in ſummer 1463, (June 2.) to array the able-bodied men of Weſtmoreland; that there was at that time an alarm of Henry's being ready to invade England with Frenchmen and other adverſaries: and though the queen came not over till October, it ſeems not improbable that her friends in Scotland, together with the Engliſh refugees, attempted ſomething in the courſe of that ſummer.

Rym. vol. xi. p. 501.

were

were no longer disposed to give shelter or support to that unhappy prince; they knew that France was not to give him any effectual succour, and without this, all that they could do, in conjunction with his broken and dismayed party in England, could be of little avail to restore him. This situation of affairs had produced a truce in the preceding month of December, which was to continue from the 16th of that month by land, and the first of February by sea, until the last day of October next ensuing. By this truce, the kings of each nation were mutually obliged to give no protection to rebels or traitors against the other, nor to grant safe-conducts to any such, after the expiration of those already given; and this article was extended in particular to Henry late king of England, Margaret his wife, Edward his son, and those noblemen and others of their party who had been refugees in Scotland. It was farther agreed, that the benefit of the truce should be enjoyed by the earl of Douglas ‡, as having become the liegeman of the king of England; and that other Scotchmen who had, or should, become liegemen to that monarch, should also be comprehended in it; and to put matters in this respect on an equal footing between the kings, it was farther agreed, that, if Henry, his wife, and son, or any of their adherents, should become the liegemen of the Scottish king, the benefit of the truce should also extend to them. One principal view of this short truce, as is declared in Edward's ratification of it, being to give opportunity to treat of a longer one, or of a lasting peace between the nations, a meeting of plenipotentiaries from both kings was held at York, in May, and a treaty concluded, on the first of June, by which a truce was agreed for fifteen years, to be reckoned from the last day of October, on which the short truce at present subsisting was to expire. By this treaty the two kings engaged, as before, to give no protection to the rebels or traitors of each other. Henry, in particular, his queen, son, and their adherents, were no longer to have aid of any kind from the king of Scotland or his subjects, or farther shelter in that kingdom, after the expiration of the safe-conducts which then subsisted, and which were not to be renewed. It was not to be imagined, that Henry, his wife, or son, were to purchase the protection of the Scottish king, by becoming his lieges; nor does it appear that any of their adherents had this recourse. If they had, they would, no doubt, have been comprehended in this truce; as were the earl of Douglas and other Scotchmen, who, before the date of it, had become the liege-men of the king of England. But, in order to prevent, for the future, the obvious inconveniences and mischiefs of the subjects of one kingdom transferring their allegiance to the sovereign of the other, it was agreed in this treaty, that neither of the kings, during the truce *now* concluded, should receive into his allegiance any of the subjects of the other; and if, betwixt the date of the present treaty, and the beginning of the new truce, either king should receive to his obedience any of the other's subjects *, he should signify to his neigh-

James III. K. of Scotland. 1464.

Aberc. vol. ii. p. 390. From Sc. Register.

Rym. ib. p. 510.

Nicholson's LL. March, p. 26.

Ib. p. 43.

Ib. p. 36.

‡ Edward, about this time, (December 8.) granted to the earl of Douglas, as a reward for past and future services, the keeping of the castle of Craigfergus in Ireland. Rymer, vol. xi. p. 510.

* As was allowed by the truce concluded in December.

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Edward IV. K. of England. 1464.

bour prince their names, before the 10th of November next enſuing. In the general articles of this treaty, there is no conſiderable variation from thoſe concluded ſince the year 1449 incluſive. The article, appointing two letters of ſafe-conduct to be lodged on the marches, by virtue whereof ſubjects of either kingdom had liberty to enter the other, in order to proſecute redreſs of their wrongs, is here omitted: But to the article wherein it is agreed, that counſellors of each king ſhould be ſent to the borders, on a defect of juſtice from the wardens or other officers, it is ſubjoined, that it ſhould be lawful for any perſon who had, in violation of the truce, been ſpoiled, plundered, or injured, to purſue for redreſs before any competent judges *, in any of the kingdoms, wherever they thought proper, and that full juſtice ſhould be done them. How the plaintiffs were to be furniſhed with ſafe-conducts, in order to their paſſing from the one kingdom to the other is not here ſaid; but there are two new regulations in this treaty, with regard to ſafe-conducts in general. The firſt appoints a proviſo to be inſerted in all future ſafe-conducts †; That the perſon aſking or obtaining it, be not a traitor or rebel againſt his prince; the other, that in any one ſafe-conduct to be thereafter granted by either of the kings, no more than three be included ‡. The articles relating to ſea affairs in the treaty of 1449, and thoſe ſubſequent to it are all preſerved in this; only the three firſt of theſe articles are expreſſed more conciſely. They are alſo preceded by a ſhort article, the ſubſtance whereof ſeems ſcarce to differ from what is contained in the article which ſtands laſt but one, in the treaties abovementioned, as well as in the preſent. It bears, that if mariners, on the one or other ſide, ſhould, by hard weather, or other unavoidable cauſe, ſuffer ſhipwreck; provided any human creature remained alive, the goods and ſhip § ſhould not be taken from the proprietors, but ſhould be reſerved for thoſe who were before the maſters and proprietors. Another article of a general nature is added in this treaty, with reſpect to the confederates of the contracting powers; wherein it is agreed, that thoſe ſhould not be underſtood to be comprehended in the preſent truce, on the one or the other ſide, who had concluded a truce with either prince, without comprehending in it the other ‖.

See above p. 409.

Nicholſon's LL. March. p. 39.

Ib. p. 29.

See above in p. 410, 411. Above p. 403. 411.

This

* *Spolium ſuum rapinam ſeu injuriam proſequi coram quibuſcunque judicibus in aliquo prædictorum regnorum in ea parte competentibus.*

Who theſe competent judges are, is not declared here, as in the treaties of 1451, and thoſe that follow it, until the preſent. This addition is alſo in the treaty of 1484.

† This proviſo is alſo appointed by the truce of September 21, 1484.

‡ Agreeably to theſe regulations, a ſafe-conduct was granted on the 9th of November enſuing, for a year, to William Douglas warden of the eaſt and middle marches of Scotland, Mr. Hugh Dowe, and Sir Alexander Napier, with forty in company; the proviſo being added, that none of the three, or any of their company, were traitors or rebels againſt the king of England. The William Douglas here mentioned, is probably the ſame with William Douglas of Douglas-cleue, who is one in the liſt of conſervators of the truce on the ſide of Scotland.

§ The *ſhip* itſelf ſeems to be here more diſtinctly expreſſed, than in the other article relating to ſhipwrecks.

‖ There is an article in the end of this treaty which declares, that the truce ſhould not be altogether general; particularly, that it ſhould not extend to the dominion of Lorn in Scotland, or of

James III. K. of Scotland.

A. D. 1463.

This truce was followed by a friendly intercourſe between Edward and the Scottiſh regency; in the courſe whereof, propoſals were made, and endeavours uſed, to eſtabliſh a firmer union between the nations, by converting the truce into a peace and confederacy, and by agreeing a marriage between the young king of Scotland and ſome lady of the Engliſh court. Theſe overtures iſſued in a prolongation of the truce, to a far more diſtant term than had hitherto been thought of, in the long ſeries of treaty of this kind between the nations, ſince the beginning of the reign of Edward III. a term, indeed, much longer than there was any probability of the moſt abſolute treaty of peace being obſerved. This prorogation of the truce of 1464, was, in the end of the following year, concluded at Newcaſtle, in a congreſs held there between plenipotentiaries from both kingdoms. Theſe commiſſioners confirmed the truce in all its articles; and in conſideration of the many experienced advantages that had already redounded from it to both nations, and of the proſpect of the increaſe of ſuch advantages from its longer continuance, extended it forty years beyond the term before fixed for its expiration, that is, to the laſt of October 1519. The remembrance of the great poſſeſſions ſo long held by the Engliſh in France was yet recent; which directed their views of conqueſt wholly on that ſide; and to the ſucceſsful proſecution of theſe views, there was nothing more neceſſary than to cultivate peace with Scotland. As to the conduct of the Scots in this matter, ſo contrary to the inhuman policy they had ſo long followed, it is probable, that much of the honour of it is due to the wiſdom and pacific temper of biſhop Kennedy, who maintained his authority in public affairs until his death; which happened in the beginning of the ſummer of the following year.

Rym. vol. xi. p. 535. 537. 541. 545, 547. 549.

Ib. p. 577. Dec. 12.

May 10.

of Lundy in England, but that the dominion and Iſlands aforeſaid, ſhould be underſtood to be no ways comprehended in it. The ſame in truce of 1484.

The perſons employed in negociating this treaty were, on the part of Scotland, Andrew biſhop of Glaſgow, Colin earl of Argyle and lord Campbell, Archibald abbot of Holyrood-houſe of Edinburgh, Mr. James Lindſay, provoſt of the collegiate church of Lincluden, and Sir Alexander Boyd of Drumcoll (brother of lord Boyd); on the part of England, George biſhop of Exeter, chancellor of England, (brother to the earl of Warwick, and afterwards archbiſhop of York,) Richard earl of Warwick and Sarum, great chamberlain of England, and warden of the weſt marches towards Scotland, Ralph lord Grayſtock, Sir William Haſtings chamberlain to the king, Mr. Thomas Kent doctor of laws, Sir James Strangeways, and Sir Robert Conſtable.

The havock of the civil wars in England produced a great difference in the liſt of conſervators on that ſide, from what it was five years ago. The conſervators of the preſent truce were, Richard earl of Warwick and Sarum, John earl of Northumberland, Henry earl of Eſſex, Ralph lord Grayſtock, Henry lord Fitzheugh, John lord Scrope of Bolton, William lord Haſtings, Thomas lord Lumley, Robert lord of Lomley, (ſo the copy in Nicholſon,) Robert lord Ogle, Henry Neville, James Strangeways, Robert Conſtable, John Coniers, William Brice, Robert Caxton, John Huddleſton, William Parr, Chriſtopher Conyers, Roger Thornton, knights; Geoffrey Middleton eſq. The Scotch liſt, which varies alſo conſiderably from the laſt, is as follows, John earl of Athol, David earl of Crawford, Alexander earl of Huntly, Colin earl of Argyle, Robert lord Maxwell, William de Douglaſ-cleue, Gilbert lord Kennedy, James lord Livingſton, James lord Hamilton, Thomas lord Erſkine, Alexander lord Montgomery, John lord Lindeſay, Patrick lord Hailes, William lord Borthwick, Alexander Boyd of Drumcoll, Alexander Home of that ilk, Walter Scott of Kirkwood, knights; Simon Glendonen of Perton, Thomas Cranſton of that ilk, eſqrs. (it is knights in Nicholſon's copy, but probably it is an error, for if knights, why ſeparate them from the three former?)

Edward IV. K. of England. 1465. May 1463 or 1464.

The imprudent marriage with Elizabeth Wideville, which king Edward had been hurried into by the violence of youthful paſſion, proved the ſource of great calamities to himſelf and his people. Her father, brother, and the reſt of her relations and favourites, were, by her unbounded influence over her huſband, raiſed from obſcurity to ſplendid titles, opulent poſſeſſions, and the higheſt offices in the ſtate. The earl of Warwick, with his brothers John earl of Northumberland and George archbiſhop of York, to whoſe great power and faithful ſervices Edward owed his crown, were offended by his marriage, and much more with the exorbitant favours beſtowed on the queen's relations. Theſe latter again, did not bear their ſudden proſperity with moderation; and ſoon began openly to ſeek the depreſſion of the Nevilles, whoſe popularity and power rendered them very formidable, even to thoſe whom the king was moſt diſpoſed to ſupport. Warwick had the addreſs to attach to his intereſts, George duke of Clarence, the king's ſecond brother; who was no leſs provoked than the earl, at the queen and her relations engroſſing all favour and intereſt at court. Clarence having gone over to Calais, of which Warwick was governour, was married there to Warwick's eldeſt daughter, notwithſtanding the utmoſt endeavours of the king to hinder the match. This marriage was ſoon followed by an inſurrection of the people of Yorkſhire, on the pretence of freeing themſelves from certain oppreſſions. The head of the inſurrection, in its beginning, was Robert Hillyard, commonly called Robin of Riddeſdale, who, being ſeized in a ſally he made from York, by John Neville earl of Northumberland, was immediately executed. The city of York was ſaved by this ſucceſs; but the inſurgents ſtill keeping together, and marching ſouthwards, under the command of Sir Henry Neville, ſon of lord Latimer, and Sir John Conyers, defeated near Banbury, an army ſent againſt them by the king, under the command of the earl of Pembroke. This victory proved fatal to Richard earl of Rivers the queen's father, who, together with his ſon John, being ſeized by a party of the victorious army, was executed at Northampton. Warwick and Clarence came over from Calais, offering their ſervice to the king to quaſh this inſurrection; which was ſoon effected, by granting a general pardon to the rebels.

A. D. 1469. July 11.

July 26.

The Nevilles had great power and influence all over the kingdom, but they were particularly formidable in the north. As Saliſbury had ſucceeded his father Weſtmoreland, ſo the former was ſucceeded by his ſon Warwick, in the wardenſhip of the weſt marches; and his brother John was raiſed on the ruins of the Percy family, to the ſame dignity and power on the marches on the other ſide. John was at the ſame time preſident of Yorkſhire, and the other brother George being archbiſhop of York, the three together were in effect maſters of the moſt warlike part of the kingdom. Soon after the Yorkſhire inſurrection was quaſhed, the king began to pave the way for reducing their power in the north, by receiving the fealty of Henry Percy, ſon and heir of Henry earl of Northumberland, who fell fighting on the ſide of Henry VI. at the battle of Towton. His ſwearing fealty was immediately ſucceeded by his liberation from his impriſonment in the Tower, which had continued from the time of that battle. Soon after, the king was petitioned by the gentry and

Rym. vol. xi. p. 648.

Pa. 27.

and commons of Northumberland, to reſtore Percy to the eſtate and honours of his anceſtors; and this was done in the ſpring of the following year, on the reſignation of John Neville, who was promoted to the higher title of Marquis of Montague. Percy, along with the title and inheritance of his anceſtors, received the wardenſhip of the eaſt and middle marches *. Montague would never have acquieſced in loſing ſuch ſolid advantages for an empty title of ſuperior honour, had not the king employed other methods to gratify his ambition, and to attach him to himſelf, in oppoſition to his brother Warwick. He had not long before, declared his reſolution to marry his eldeſt daughter, at that time apparent heir of the crown, to George the Marquis of Montague's only ſon, (and the heir male of all the three brothers;) whom he alſo advanced to the dignity of duke of Bedford.

James III. K. of Scotland.

1469. Rot. Scot 10 Ed. iv. N. 3. ap. Carte, vol. ii. p. 780.

This high honour conferred by the king on their family, ſeemed for a little time to reconcile to him all the Nevilles; but the pride and ambition of Warwick, irritated by the continual rivalſhip of the queen's relations and favourites, ſoon gave birth to new hoſtilities. In the courſe of theſe, the king having, with his uſual ſpirit and expedition, encountered and ſubdued a body of rebels in Lincolnſhire; Clarence and Warwick, who had not been able to give them a timely ſupport, found themſelves obliged to abandon the kingdom, and after being refuſed admittance into Calais, to ſeek refuge at the court of France. There the neceſſity of Warwick's affairs forced him into a very unnatural alliance with his old implacable enemy Margaret of Anjou, which was concluded by the intervention of the French king. It was agreed, that her ſon Edward ſhould marry Ann, Warwick's younger daughter; that Henry ſhould be reſtored to the crown, and hold it for his life; that his ſon ſhould ſucceed to it, and in default of male-iſſue from him, it ſhould deſcend to Clarence and his iſſue. Theſe things being ſettled, Warwick and his ſon-in-law ſailed over to England in September, and landed at Dartmouth. In three days, they ſaw an army around them of ſixty thouſand men, with which they advanced with the utmoſt expedition towards the king, who was at that time in Yorkſhire †. Edward accompanied with a much inferior force, was endeavouring to regain his capital, when he learned that Warwick was very near him at the head of a mighty army, and that his brother the marquis of Montague was about to fall upon him, on the rear, with a choſen body of ſix thouſand men, which the king had conſidered as a powerful reinforcement ready to join him. Montague had declared to his men his intention of ſupporting his brother againſt the king, and gave for a reaſon of his conduct the king's depriving him of his power and and poſſeſſions in Northumberland, for which he had received no other compenſation than an empty title. Theſe circumſtances made the ſituation of the king appear to himſelf and his friends ſo deſperate, that accompanied with a ſmall body of light horſe, he abandoned his army, fled in the night to Lynn, and there haſtily embarking, ſailed over to Flanders, to ſeek

A. D. 1470.

* Firſt time that the *middle marches* are mentioned on the ſide of England.

† He had marched northwards to ſuppreſs an inſurrection raiſed by the lord Fitzheugh, who was huſband to one of Warwick's ſiſters, and is ſaid on the king's approach to have fled into Scotland. Carte, vol. ii. p. 784.

Edward IV. K. of England. A. D. 1471.

ſhelter and aid from Charles duke of Burgundy, who a few years before had married his ſiſter Margaret. This deſertion of Edward, which happened eleven days after Warwick's landing, threw the whole nation into the power of the latter. Immediately Henry was reſtored, and every thing was ſettled agreeably to the treaty concluded in France. But this ſudden and amazing flow of proſperity had ſoon a fatal reverſe. For Edward paſſing over from Holland and landing in the mouth of the Humber in the month of March *, though oppoſed at firſt, and obliged to ſwear fidelity to Henry, before he could be admitted into York; found afterwards ſo powerful a ſupport, chiefly from the connivance and ſecret aid of his brother Clarence, and of the marquis of Montague, and archbiſhop of York, all of whom he had ſeduced from Warwick; that he ſoon regained poſſeſſion of his capital, and obliged the poor pageant Henry to exchange his throne for a priſon. This ſucceſs was quickly followed by the battle of Barnet, where Edward conquered and Warwick fell; having the night before been deſerted by Clarence, and a numerous band that followed him, and in the battle itſelf betrayed, or feebly aſſiſted by his brother Montague, who is ſaid to have been ſlain by ſome of Warwick's faithful friends, incenſed by obſerving him, when the day was loſt, putting on the livery of Edward to ſave his life. Still another battle remained, to decide the inveterate ſtrife between the rival houſes. Margaret of Anjou, after many efforts to paſs over from France into England, in the courſe of the preceding winter, at laſt made good her landing at Weymouth, on the evening of the day of Barnet-field. And twenty days after that battle, Edward coming up with her near Tewkſbury, on the banks of the Severn, defeated her army, and took herſelf and her ſon Edward priſoners. The innocent youth, immediately after the battle, fell a victim to the jealouſy of the king and the cruelty of his brother Glouceſter; who is alſo commonly related to have murdered Henry VI. with his own hand, on the day that Edward returning from Tewkſbury, made his triumphant entrance into London. The captive queen was committed priſoner to the Tower, and continued there, until her liberty was procured almoſt five years after, by the treaty of Amiens.

April 14.

May 4.

During the courſe of theſe civil broils in England, the Scots continued to obſerve the truce, or at leaſt did not avail themſelves of the diſtreſſes of their neighbours to give them any annoyance, that the hiſtorians of either nation have thought worth recording. After the death of biſhop Kennedy, the king of Scotland, though not yet fourteen years old, had the reins of government put into his hands by the lord Boyd and his brother Sir Alexander, who, thereupon became ſole and abſolute favourites, and governed every thing in the king's name. But their immoderate uſe of ſuch ſudden and high elevation, was quickly followed by its uſual fate. They had procured a marriage between Mary eldeſt ſiſter to the king, and Thomas lord Boyd's eldeſt ſon, who was created earl of Arran; but while Arran was abſent, negociating the king's

* He ſhewed letters from the earl of Northumberland, inviting him to come over, but they were not regarded. The wardenſhip of the eaſt marches had been taken from Northumberland, and reſtored to the marquis of Montague.

marriage

marriage with Margaret of Norway, which was celebrated in July 1469, he himſelf, his father, and uncle, were ſupplanted by a new ſet of favourites. Arran ſought his ſafety, in a voluntary exile on the continent, wherein his wife was for ſome time his companion; and his father and uncle being condemned in parliament for treaſon, Sir Alexander was beheaded, and lord Boyd, flying into England, ſoon after died at Alnwick, oppreſſed with grief and age. The celebration of the king's marriage, and proſecution of the Boyds, occupied the court of Scotland, during the firſt commotions in England in 1469. In the end of the following ſummer, a little before Warwick's deſcent from France, the office of warden and commiſſary-general of the weſt marches was given to Richard duke of Glouceſter; and, in leſs than two months after, when Henry had remounted the throne, John Neville, marquis of Montague, was reſtored to his wardenſhip on the eaſt marches, and in the king's dominion of Scotland. From an article in the commiſſion, given to each of theſe wardens, it ſufficiently appears, that the Engliſh were, at leaſt, apprehenſive of hoſtilities on the ſide of Scotland; for both Glouceſter and Montague had full powers given to themſelves, or their deputies, of concluding with the king of Scotland, or deputies from him, ſhort truces, from week to week, from two or three weeks to two or three weeks, from a month or months to a month or months, according to their beſt diſcretion.

James III. K. of Scotland. 1471.

Rym. vol. xi. p. 685. Auguſt 26. Ib. p. 665. Oct. 22.

Soon after the civil wars in England were concluded, and Edward firmly ſeated again on his throne, a friendly correſpondence was renewed with the court of Scotland. In the month of September a meeting of commiſſioners from both nations was held at Alnwick, for mutual redreſs of wrongs committed on the borders, and alſo for treating of truce, peace, and confederacy between the kingdoms; and particular powers were given to three of theſe commiſſioners, who perhaps went forward, as ambaſſadors to the court of Scotland, to conſent, in their maſter's name, to any ſuch matrimonial contracts as might be eſteemed conducive to cement the good agreement between the kingdoms. In the April of the following year, another great congreſs of plenipotentiaries was held at Newcaſtle, who agreed, that, notwithſtanding the complaints and infractions on both ſides, the long truce between the nations ſhould ſtill continue in force *; and proclamations were ſoon after iſſued, requiring the ſtrict obſervation of it; particularly until the month of July in the following year, at which time the commiſſioners had appointed a new congreſs to be held. But in this interval, Charles duke of Burgundy, in order to facilitate the project of an alliance, which he was then negociating with Edward againſt their common adverſary the French king, aſſumed an office, that ill became the moſt turbulent prince of his time, of a peace-maker between the two monarchs of Great Britain. In the ſpring of the following year, the king of Scotland, at the earneſt deſire of the duke, intimated by two ambaſſadors †, gave a written aſſurance, under his great ſeal, to be communicated to the king of

Sept. 23. Rym. vol. xi. p. 718, 719.

A. D. 1472. Ib. p. 737. 740. 748, 749. 758.

May 25.

A. D. 1473. March 25. Ib. p. 772, 773.

* It appears from the indenture made at Alnwick, on the 28th of September, in the following year, that the agreement made between the commiſſioners at this meeting, was concluded and ſealed on the firſt of May. Rym. ib. p. 788.

† Folpard de Amerongen, and George Baert.

Edward IV. K. of England. 1473.

England; that, notwithſtanding of the many exceſſes daily committed by the ſubjects of both nations, which had a plain tendency to break the truce that then ſubſiſted; the king of Scotland would not, on his part, on the account of ſuch paſt or future wrongs, invalidate, or revoke the aforeſaid truce between the kingdoms, for the ſpace of two years, to be reckoned from the 10th of April, in the preſent. In this deed it was declared, that the preſent engagement was without prejudice of the truce concluded in 1464 at York, and prorogued in the following year at Newcaſtle; and that the king of Scotland gave this aſſurance, on condition that he ſhould receive the like from the king of England. In order to obtain this, the ſame ambaſſadors paſſed to the court of England; and on delivering the letters of the Scottiſh king, to the effect above-recited, obtained others from Edward of the ſame tenour.

April 10.

In theſe mutual aſſurances, each king had engaged to give the moſt preciſe orders, and to employ the moſt effectual methods, for the redreſs of paſt and future wrongs committed on each ſide. To make good this article, a meeting of commiſſioners was appointed at Alnwick on the 20th of September, who, on the 28th of that month, put their ſeals to an indenture, which ſettled ſeveral points of importance to the peace of the borders. They confirmed all the appointments of the congreſs, held at Newcaſtle, in April and May of the preceding year; and fixed days and places for meetings of the lieutenants of the wardens ‡, in order to the execution of theſe appointments, and the redreſs of wrongs committed ſince that time. It was agreed, that the lieutenants and deputies, to be employed in holding theſe diets, ſhould be perſons of power and good reputation; ſuch as the wardens ſhould anſwer for to their ſeveral princes at their peril. All who attended theſe, or the like diets, were appointed to reſort to them in a peaceable manner, without their military harneſs, or any fencible weapon, except a ſword and knife, under the penalty of eſcheating ſuch weapons, and being delivered priſoners to the other ſide, to be puniſhed for the offence. The numbers at theſe diets were alſo limited; the wardens might be accompanied with a thouſand perſons, the lieutenants with five hundred, the deputies with two hundred, or a ſmaller number; and the penalty of exceeding theſe numbers, was an Engliſh noble to be paid to the other party by the warden, lieutenant, or deputies, for each ſupernumerary found in his company. Immediate reſtitution was ordered of all priſoners and ſhips unlawfully taken on both ſides, and of the obligations, ſureties, and ranſoms, that had been delivered for priſoners: and the admiral, wardens, or their lieutenants on each ſide, where ſuch reſtitution was refuſed, were ordered and impowered to oblige the offenders to make it in eight days, after application made to officers for that purpoſe; or, in caſe of farther delay, to deliver themſelves

Ib. p. 788, 789, 790.

‡ The firſt of theſe meetings was appointed to be held at Newbigging-Ford, on the 20th of October, with continuation of days; the next, eight days thereafter, at Reden-burn; the next, eight after, at Gammilſpath; another, four days after, at Bell; another, fifteen days after, at Louchmabanſtane; and another, eight days after, at Korſopbrig.

All indented bills of complaints, given in at the preſent meeting, and ſince March 9, 1472, were ordered to be immediately delivered to the wardens or their lieutenants, who were to cauſe the parties complained of to be arreſted, in order to their appearing at the meetings now appointed to be held on the borders; where the plaintiffs ſhould have juſtice adminiſtered to them without delay.

James III. K. of Scotland.

1473. See above, p. 402.

ſelves into the hands of the plaintiff, until ſatisfaction and redreſs ſhould be given. The article in the late treaties of truce, concerning the delivering up of malefactors, was rendered, in the preſent agreement, ſomewhat more explicit, with regard to thoſe that had been guilty of murder. Where a perſon of either nation had committed this crime, within the ground of the other, he was to be ſeized by the wardens, lieutenants, or deputies, and delivered to the plaintiff, to be brought to juſtice, or ranſomed, at his pleaſure. This delivery was to be made in fifteen days after the plaintiff required it, unleſs the delinquents were fugitive; in which caſe, they were to be publickly denounced rebels, and to continue under that ſentence until ſatisfaction ſhould be made to the injured party. It was farther appointed, that perſons, of whatever rank, lawfully convicted of reſetting ſuch rebels and fugitives, ſhould be delivered up to the plaintiff, to undergo, at his pleaſure, the like penalties that ſhould have been inflicted on the original offenders, if thus put into his hands. In order to hear and determine, in complaints of wrongs committed at ſea, which properly fall under the cognizance of the admirals, their lieutenants, and deputies; it was ordained, that the admiral of each kingdom ſhould ſend to the borders a perſon of ſufficient knowledge, authority, and good diſpoſition; the delegate from the Engliſh admiral to be at Norham, and the delegate from the Scottiſh to be at Berwick, on the 8th of January enſuing. Theſe delegates were appointed to fix a proper place of meeting, for proceeding to the trial of all cauſes brought before them: and in order to prepare for theſe trials, the complaints already given in, were appointed to be tranſmitted to the admirals of each kingdom *, that theſe admirals might warn and ſummon the parties complained of to attend the above-ſaid meeting; which if by obſtinate, or voluntary neglect, they failed of doing, they ſhould loſe their cauſe. A particular affair of great difficulty and importance, which had been under the conſideration of the commiſſioners, who met at Newcaſtle in the preceding year, made the ſubject of one of the articles of the preſent convention. Kennedy, biſhop of St. Andrews, among other monuments of his magnificence, had built a ſhip of uncommon ſize and ſtrength, to which he gave the name of the *Salvator* †. This being employed by certain Scottiſh merchants, and freighted with valuable goods, had been wrecked on the Engliſh coaſt, near Bamburgh; the goods were plundered, and ſome of the merchants and mariners, who eſcaped in a boat, were violently ſeized and committed to priſon ‡. A deciſion had been given in this matter at Newcaſtle, which, without being particularly recited, was, by the preſent meeting, declared to remain in force. But the Scottiſh commiſſioners alleged, that there having been a ſufficient number of merchants and mariners belonging to the ſhip, to have recovered

Abercromby, vol ii. p. 393. Holingſhed, p. 281.

* The duke of Glouceſter was at that time admiral of England, and the duke of Albany of Scotland.

† The Scots commonly called it the Biſhop's Barge.

‡ According to Holingſhed, this wreck happened on the 12th of March 1473; but from the ſeries of border tranſactions in Rymer, it could not be later than 1472. The abbot of St. Colme was one of thoſe that were taken priſoners, and was obliged to pay to James Kar, who took him, 80 l. for his ranſom. Holingſhed, p. 281.

and

Edward IV. K. of England. 1473.

and preſerved their goods, had they not been forcibly ſeized and impriſoned by the Engliſh; and theſe latter having, at the ſame time, in breach of the truce, unlawfully ſeized and carried off the ſaid goods; it was juſt that thoſe who had given impediment to the Scots, in recovering and preſerving their goods, and were alſo active in plundering them, ſhould make reſtitution and reparation of the whole damages; and that this was agreeable to common-law, and the terms of the truce. But the Engliſh commiſſioners were of a different opinion; maintaining, that any of the perſons, who had ſeized goods belonging to the ſaid ſhip, was not obliged, either by cuſtom of the marches, terms of the truce, or reaſon of the common-law, to make reſtitution of any more than they could by ſufficient evidence be convicted of having ſeized and with-held. In this variation of ſentiment, the commiſſioners thought it beſt to report the matter to their ſovereigns, and refer the ſettlement of it to their diſcretion; declaring it as their unanimous judgment, that, all other things in debate being provided for, it would be hard that the welfare and peace of the realms ſhould ſuffer, or the borders be *left open* on this account alone; and therefore engaging to recommend earneſtly to their ſeveral ſovereigns ſuch moderate and equitable methods of terminating the difference, as might tend to preſerve the tranquillity of both kingdoms *.

A. D. 1474.

Rym. vol. xi. p. 814, 815. Oct. 26.

The ſame pacific temper ſtill continuing in each monarch, produced a new negociation in the following ſummer. Edward, by this time, had perfected an alliance with the duke of Burgundy againſt the French king; wherein the contracting parties fixed the manner of ſharing ſpoils, which they never became maſters of. A treaty of marriage, equally ineffectual in the event, was concluded between the two courts of England and Scotland; and the long truce, on the very ſame terms that had been agreed at York ten years before, and extending to the ſame period that was afterwards fixed at Newcaſtle, was ſolemnly confirmed. An article was only added, obliging to mutual aſſiſtance, during the truce, againſt rebels; on the demand, and at the expence, of the prince againſt whom the inſurrection was made. The redreſs of wrongs committed on the goods and crew of the ſhip Salvator remained an obſtacle in the way of completing theſe treaties; and, in order to remove it, on the day before they were ſigned, the king of Scotland gave a diſcharge of all claims for himſelf or ſubjects, againſt the king or ſubjects of England, on the account of

Ib. p. 820.

the ſpoil of goods belonging to that ſhip, or for reparation of injuries done to the perſons of his ſubjects, who had ſailed on board of it †. By the treaty of marriage,

* The commiſſioners at this meeting were, on the part of England, John biſhop of Coventry and Lichfield, Henry earl of Northumberland, Ralph Grayſtock of Grayſtock, Humphrey Dacre of Dacre, knights; Richard prior of Durham, Mr. John Fox, L. L. D. and inland king of arms. The Scotch commiſſioners were, Thomas biſhop of Aberdeen, David earl of Crawford, and lord Lindſay, Robert abbot of Jedworth, James lord Hamilton, Mr. Alexander Inglis doctor of decrees, and Duncan of Dundas, Eſq.

† To this is annexed the following ſalvo, or reſervation: "Dicto regi conſanguineo noſtro, "libera poteſtate puniendi ſuos ſubditos culpabiles in præmiſſis, deque et ſuper ipſis recuperandi bona "quæ de ſpolio prædicto ad eorum manus devenerunt, noſtriſque ſubditis petendi et exigendi "wraccum aſſerum ſive tabularum ejuſdem navis, cum cimbis et apparatis eidemque appertinenti-

marriage, James prince of Scotland, and Cecilia, the third daughter of Edward; the former not two, the latter not four years old, were ſolemnly contracted; and the two kings engaged to fulfil this contract, by giving them in marriage to each other, when they ſhould arrive to the years of maturity. The king of Scotland obliged himſelf to ſettle, during his own life, on the prince and princeſs, in dowry and joint feoffment, the lands and revenues of old belonging to the prince and heir of Scotland. And, if the prince ſhould ſucceed to the throne, while his mother yet lived, the proviſion for Cecilia was to be the third part of his lands and rents‡; which, if ſhe pleaſed, ſhe might exchange on the event of the preſent queen's death, with the jointure that the latter had enjoyed. On the other hand, the king of England obliged himſelf to give, as the dower of his daughter, 20,000 merks to the king of Scotland. And to make this anſwer more effectually the purpoſe of preſerving peace on the ſide of Scotland, it was agreed, that the payments ſhould be made annually, at the rate of 2000 merks for the firſt three years, and of 1000 merks for fourteen years after. The firſt of theſe payments was to be made on the third of February next enſuing, in the church of St. Giles at Edinburgh; and the reſt were to be made on the ſame day of the year, and in the ſame place, until the whole ſhould be completed. A method was alſo agreed upon for the ſafe conveyance of the money. In order to this, the king of Scotland was to ſend a ſufficient number of his ſubjects to Berwick, a few days before the annual term of payment; who, on advertiſement received from Norham of the arrival at that place of the ſervants of the king of England with the money, ſhould meet with theſe on the Scottiſh bank of the Tweed, over againſt it; and eſcort them thence to Edinburgh. The guard, thus furniſhed by the king of Scotland, were to produce a commiſſion or warrant, under the hand and ſeal of their ſovereign, authoriſing them to perform this ſervice; and this was to be left in the keeping of the lieutenant of Norham caſtle. The carriers alſo of the money from England, were to be furniſhed with a ſafe-conduct from the Scottiſh king, extending to forty perſons, and protecting them in Scotland for forty days; which was to be delivered at Norham, before they croſſed the Tweed, and to remain in the keeping of the conſtable of that caſtle†.

James III. K. of Scotland. 1474. Ib. 824—832.

Ib. p. 836.

Tom. xii. p. 41.

Peace being thus ſecured on the ſide of Scotland, Edward paſſed over into France, with the mightieſt army that had ever been carried thither by an Engliſh monarch. But the addreſs of Louis the French king; and the

A. D. 1475.

" nentibus ad quorum manus devenerunt, redemptionibuſque & financies per Anglicos tunc ex-
" tortis, in omnibus ſemper ſalvis." There is ſomething ambiguous in theſe expreſſions. Perhaps it ſhould be read " Redemptioneſque & financias extortas." Five hundred merks had been promiſed by the king of England, without any written obligation, to content the demands of the Scottiſh merchants, which were paid at the ſame time with the firſt payment of Cecilia's dower, as appears from an acquittance of the biſhop of Aberdeen. Rym. p. 850.

‡ Theſe were the dukedom of Rotheſay, the earldom of Carrick, and the lordſhips of the ſtewartlands of Scotland.

† This ſafe-conduct in the deed at Weſtminſter, 3d December, fixing the above method of payment, is called a ſafe-conduct *dormant general*. The ſafe-conduct itſelf bears date at Edinburgh, 16th Jan. 1474 (that is, according to the Scottiſh account), and is drawn up in ſuch terms, as to ſerve the purpoſe, at all the different payments. Ibid. p. 842.

Quixotiſm

Edward IV. K. of England. 1475.

Quixotiſm of the duke of Burgundy, Edward's ally, ſoon put an end to this expedition; and fruſtrated the great expectations the Engliſh had conceived from it. A ſum advanced to defray preſent expences, with an annual penſion to the king, and ſecret rewards to his courtiers, were the means employed by

A. D. 1477. the artful Louis to procure a ſeven years truce; which, two years after, was prolonged, during the joint lives of the kings; and, in the year following, was extended to one hundred years after the death of Edward. Mean while the payments of Cecilia's dower were regularly made at Edinburgh; and an undiſturbed harmony ſeems, for ſome years, to have ſubſiſted between the kings of England and Scotland. But the courts of both, during that time, were diſturbed with domeſtic diſſenſions. George duke of Clarence, ſecond

A. D. 1478. Feb. 18. brother to Edward, unable to ſuppreſs the expreſſions of reſentment againſt the ambition of the queen, her relations and favourites, fell himſelf, in conſequence of the unlimited aſcendant they had over the king, a victim to their revenge. Alexander duke of Albany, and John earl of Mar, brothers to James king of Scotland, equally impatient with Clarence of the rule of favourites, who are ſaid to have been a ſet of low deſpicable men, entered into combinations with ſome of the nobles to remove or deſtroy them. The earl of Mar, being accuſed of practiſing by ſorcery againſt the king's life, was impriſoned in the caſtle of Craigmillar, and ſecretly diſpatched. The duke of

Holingſhed. A. D. 1480. Albany, being committed to the caſtle of Edinburgh, made his eſcape thence, with great hazard, to his own caſtle of Dunbar; which being ſoon after beſieged by the king's forces, Albany was obliged to abandon it, and fly for refuge to France; and the garriſon he left behind, being reduced to extremity, betook themſelves to ſea in ſome ſmall veſſels, and ſought refuge in England.

Theſe domeſtic feuds in Scotland, were naturally followed by diſorders on the marches; and ſome of the diſcontented Scottiſh nobles entered, as uſual, into a ſecret correſpondence with the court of England. The exiled earl of Douglas was ſtill there, watching every opportunity of embroiling the two kingdoms; and it is related by ſome Engliſh writers, that the duke of Albany

Habington in Kennet, p. 476. Stowe, p. 432. viſited the court of England in his way to France; and gave ſuch repreſentations of the weak and odious government of his brother, as tended to reanimate the ancient Engliſh ambition of ſubjecting Scotland. About the ſame time, the French king, who was employed in reducing certain provinces that belonged to the houſe of Burgundy, apprehending diſturbance in this work from

Buchanan. Holingſhed. Edward, whom he had long amuſed, ſent over Dr. Ireland, of the Sorbonne, to engage the Scottiſh king to break the truce with England. This French intereſt prevailed, in oppoſition to ſome of the wiſeſt of James's council *; and a reſolution was taken of invading England ſuddenly, without any formal

Rym. vol. xii. p. 115. declaration of war. At leaſt in the commiſſion of lieutenant-general, given by Edward to his brother Richard duke of Glouceſter, the king of Scotland is charged with this deſign; whereof early intelligence was probably ſent to the Engliſh monarch from his ſecret friends in the Scottiſh court. But ſtill the

* Thomas Spence, biſhop of Aberdeen, who had ever been a friend to peace between the kingdoms, is ſaid to have died of grief from the proſpect of the approaching war. He died at Edinburgh, April 15. Holingſhed, p. 283. Keith's Catal.

Scots

Scots appeared to have been more forward in their military preparations than the Engliſh, from an expedient that ſeems to have been employed by the latter, in order to gain time. For when James was advancing towards the borders, at the head of a numerous army, he was met by a meſſenger from a legate of the papal ſee, then reſiding in England, who enjoined him, by apoſtolic authority, to lay down his arms; that he, and other Chriſtian princes, cultivating peace among themſelves, might oppoſe their joint forces to the Turks, who were then become formidable to all Chriſtendom. The king, in obedience to this injunction, diſmiſſed his army; a great part of which was, probably, far from being hearty in the cauſe. But hoſtilities on both ſides ſoon recommenced; and a commiſſion was given about Midſummer to the duke of Glouceſter, in conjunction with the chief men of the northern counties of England, to array and arm the fencible men of theſe counties, in order to oppoſe a ſecond incurſion, which the Scots were then preparing to make. The ſummer was ſpent in mutual depredations, and actions of little conſequence; but about the beginning of winter, the Engliſh laid ſiege to Berwick by land and ſea. Part of the walls, being lately rebuilt, gave them hopes of beating them down without difficulty; but although conſiderable breaches were made, the garriſon defended the place ſo reſolutely, that the aggreſſors, after having ſpent a great part of the winter in carrying on the ſiege, were at laſt obliged to raiſe it.

James III. K. of Scotland. 1480. Holingſhed. Abercromby, p. 434. Rym. vol. xii. p. 117. Holingſhed. Abercromby, vol. ii. p. 434.

The king of Scotland being ſtill determined to carry on the war, had recourſe to a parliament, which met at Edinburgh in April, for their advice and aid. Having convinced them that Edward, whom he and they call an uſurper, was the violator of the truce; he procured the enacting of ſuch orders as appeared moſt neceſſary for the defence of the kingdom. All fencible men within it, were appointed to be in readineſs to attend the king with arms and proviſions, if required, for twenty days. The fortreſſes of the kingdom, and houſes of ſtrength poſſeſſed by gentlemen, were ordered to be provided with arms and artillery. They declared their approbation of the reſolution the king had ſhewn to preſerve Berwick; and of what he had done for the ſecurity both of the town and caſtle. They mentioned particularly the great expence he had been at in ſtrengthening and rebuilding the walls of the town; in repairing the caſtle, and furniſhing it with artillery; and in eſtabliſhing a garriſon of five hundred men for the defence of the place, to be maintained at the king's own charges. In conſideration of what their ſovereign had thus freely done for the defence of the kingdom, and annoyance of their enemies, the parliament obliged themſelves to maintain an equal number of men as garriſons in the fortreſſes, and ſtrong houſes, near the borders. Of theſe one hundred were to be ſtationed in the Mers, ſixty at home, twenty at Blacader, and twenty at Wedderburn. They were to be commanded by James Borthwick, ſon to the lord Borthwick, who was appointed to reſide at home; and had power to chuſe two captains under him; the one to command at Wedderburn, and the other at Blacader. The moſt numerous of theſe border garriſons was that of Hermitage in Liddeſdale, conſiſting of one hundred men, and commanded by the laird of Lamington. The reſt, conſiſting of ſixty, forty, or twenty men each, were diſpoſed in the other places of ſtrength, near the middle or weſt

A. D. 1481. Black Acts, fol. 65, 66. apud Aber. p. 435.

Edward IV. K. of England. 1481.

marches *. It was farther enacted, that, upon ſeeing the enemy approach, fires ſhould be kindled on the ſea-coaſts †, at the diſtance of ſix miles from one another; and that officers ſhould alſo be poſted at the diſtance of every ſix miles, to raiſe and command the inhabitants, when occaſion ſhould require. This parliament alſo adviſed and ordained an embaſſy to the king of France and parliament of Paris, to ſolicit the aſſiſtance of their ancient ally againſt their common enemy of England. The ambaſſadors were to have in charge to declare to the French king, that this help had often before been ſolicited by letters, to which no return had been given. This allegation might be uſed as an argument to prove, that the Scots did not engage in this war againſt England, at the inſtigation of the French king; were not the ſhameleſs perfidy of Louis ſufficiently known. The exiled earl of Douglas being conſidered as a principal agent in exciting the Engliſh to invade his native country, a price was ſet on his head, and upon thoſe of his adherents ‡. But thoſe who ſhould abandon him, and return to their allegiance in twenty-four days, were aſſured of a free pardon of their paſt offences. The ſame was extended to the borderers, and to all other ſtate-criminals throughout the nation; the earl of Douglas alone, and three of his accomplices, being excepted by name.

This vigour ſhewn by the Scotch parliament, which probably was wholly unexpected in England, ſeems to have had ſome effect in hindering the Engliſh king from attempting any thing conſiderable againſt Scotland, during the ſummer. A fleet, which he fitted out in the ſpring, and which alarmed and committed ſome depredations on the coaſt of the Frith, ſerved to keep the Scots at home; though about Midſummer the apprehenſion of an invaſion from Scotland was ſo great, as to occaſion an adjournment of all buſineſs before the king's juſtices, until after Michaelmas. Edward alſo, ſeeing a rupture with France unavoidable, was employed, during the ſummer, in concluding an alliance and marriage contract with the duke of Bretagne, and the king of Caſtile; and alſo in renewing his treaty with the king of Portugal.

Rym. vol. xii. p. 139.

Rym. ib. p. 141.

A. D. 1482.

Louis having, in the ſpring of the following year, irritated Edward to the higheſt pitch, by concluding a marriage between the Dauphin and Margaret the infant daughter of Maximilian and Mary of Burgundy, in plain violation of Edward's favourite article of the treaty of Amiens, by which his daughter Elizabeth was to have been eſpouſed to the heir of France; the Engliſh monarch reſolved to ſeek revenge, by entering into a war againſt his perfidious neigh-

* The laird of Edmonſton had the command of ſixty men in Ceſsford, twenty in Ormiſtoun, and twenty in Edgerſton; the laird of Cranſton commanded ſixty men in Jedburgh, twenty in Cocklaw, and twenty in Dolphingſton; the laird of Cloſsburn commanded in Lochmaben; the laird of Amiſfield forty in Caſtlemilk, forty in Annand, and twenty in Belliſtower. Some omiſſion in Abercromby, probably there have been one hundred men in the caſtle of Berwick, and as many in Lochmaben.

† Abercromby ſays, from the Black Acts, That upon the ſight of an enemy, fires ſhould be kindled upon eminences near the ſea coaſts, within every ſix miles of length, and one of breadth. Aber. vol. ii. p. 437.

‡ Whoever ſhould kill, or bring the perſon of the earl, was to receive 1000 merks, and an eſtate of 100 merks, yearly rent, as his reward. For killing, or taking any traitor of his party, if a gentleman, the reward was 20 l. if a yeoman 10 l.

bour.

bour. But it was expedient, in the firſt place, to finiſh that in which he was actually engaged with Scotland. For this purpoſe he endeavoured to attach wholly to his intereſts the duke of Albany, who continued an exile in France; and whoſe ambition was not contented with what had been done for him by Louis, who, among other favours, had given him in marriage a daughter of the earl of Bologne, with a large fortune. Albany, having come over to England in the ſpring, entered into a negociation with Edward, which iſſued in an agreement concluded at Foderingay-caſtle, in June. In this agreement the duke of Albany aſſumed the title of Alexander king of Scotland, acknowledging that he held it by the gift of the king of England; and, beſides, binding himſelf to pay homage to the king of England for his kingdom of Scotland, and to break the ancient league between Scotland and France, together with ſome other articles of ſmaller moment, he farther engaged to make a real and perpetual ſurrender of the town and caſtle of Berwick, with their dependencies; and that the ſame ſhould be delivered to the king of England and his heirs, in fourteen days after the Engliſh army had conveyed him to Edinburgh, or as ſoon afterwards as the lords of the king of England's council, who were then preſent in his army, ſhould judge practicable.

James III. K. of Scotland. 1482.

Rym. vol. xii. p. 154.

June 10, 11. Ib. p. 156.

Immediately after this agreement, the king nominated the duke of Glouceſter his lieutenant-general againſt the Scots; and about the beginning of July, the Engliſh army, amounting to twenty-two thouſand five hundred men, were marſhalled at Alnwick. The van of it was led by Henry earl of Northumberland. The duke of Albany accompanied the duke of Glouceſter, at the head of the middle diviſion. Several other lords and eminent perſons aſſiſted in the command of theſe and the other bodies of the army. All this formidable force appearing ſuddenly on the river-ſide, over againſt Berwick, the town made no reſiſtance, and was immediately ſeized. But the lord Hales, who commanded in the caſtle, ſhewing a reſolute purpoſe of defending it, four thouſand men were left to beſiege it, under the conduct of the lord Stanley, Sir John Elrington treaſurer of the king's houſehold, and Sir William Parr; while the reſt of the army advanced towards Edinburgh.

Ib. p. 157.

Stowe, p. 432.

By this time matters were in extreme confuſion in Scotland. The king having collected the forces of the nation, in order to oppoſe the Engliſh, gave his diſcontented nobles the opportunity they wiſhed for, of wrecking their revenge on thoſe obſcure favourites, who had totally engroſſed their maſter's confidence. While the army lay encamped at Lauder, a band of the nobility, headed by Archibald earl of Angus, entered the king's tent, and having ſeized ſix of his domeſtics, who were the chief objects of their wrath, cauſed them immediately to be hanged over a bridge in the neighbourhood. A meaſure ſo rude and barbarous, having broken all confidence between the king and his army, a total diſperſion of the latter enſued: and the king retiring to the caſtle of Edinburgh, either ſhut himſelf up in that fortreſs for ſecurity, or, as ſome authors relate, was detained a priſoner there by his uncle the duke of Athol, and others of the nobles. Such was the ſituation of the Scottiſh affairs when the dukes of Glouceſter and Albany arrived at Edinburgh, at the head of the Engliſh army; which, to inſpire terrour, had committed ſome devaſta-

Holingſhed, p. 283.

Edward IV. K. of England.

1482.

Buchanan.

tions on their march; but, at the requeſt of the duke of Albany, ſpared the capital. The perſon of the Scottiſh king being inacceſſible, the demands of Edward that James ſhould make good former engagements, and redreſs the violations of them that had been made by himſelf or ſubjects, were proclaimed in the moſt public place of the city. No anſwer was made to theſe demands by the diſtreſſed monarch; but ſoon after, the lord Evandale his chancellor, the earl of Argyle, the archbiſhop of St. Andrews, and biſhop of Dunkeld, gave their joint obligation, that the duke of Albany, on returning to his allegiance, ſhould be indemnified for all paſt offences, and reſtored by his brother to his former dignities and poſſeſſions; and that they would procure the confirmation of all this in the next parliament that ſhould be aſſembled.

Auguſt 2. Rym. ib. 160.

Albany, having conſulted with Glouceſter, thought proper to accept of theſe offers; and, accordingly, leaving the Engliſh army, paſſed over to his countrymen; but, before he departed, is ſaid to have bound himſelf, by his oath and a ſealed writing, to make good what he had before ſworn and promiſed to the Engliſh king. By the Scottiſh nobles he was inſtantly declared lieutenant of the kingdom; and, under his direction, a treaty was carried on with the duke of Glouceſter. The latter inſiſted on the reſtitution of Berwick, as an article not to be diſpenſed with. But many of the Scottiſh lords oppoſed this; alleging the great importance of the place, and the ancient property the crown of Scotland had in it. The firmneſs however of the duke of Glouceſter, added to the domeſtic diſtreſs of the Scots, and the influence of the perſon they now had at their head, prevailed. A truce was concluded, in which Berwick was given up to England; and the Scots are ſaid to have engaged never by any art thereafter to attempt the reduction of it. The lord Hales, after a brave defence, ſurrendered the caſtle on the 24th of Auguſt *; but whether, in obedience to orders received from Scotland, or from his inability to hold out any longer, appears uncertain. And thus the town and caſtle of Berwick returned again under the dominion of the crown of England, after the Scots had held them from the time of the ſurrender made of them by the unfortunate Henry VI. twenty-one years and ſome months. Although this expedition had coſt England upwards of 100,000 l. part of which the king had raiſed by the oppreſſive method of benevolences; and although the expence of maintaining a garriſon at Berwick amounted to 10,000 merks a year, yet the recovery of that place was ſo acceptable to the nation, that the Engliſh parliament, which met in the following January, recommended the duke of Glouceſter, the earl of Northumberland, and the lord Stanley, to the king for their ſervices in the Scottiſh war †.

Stowe, p. 432.

Habington's Life of Ed. IV. in Kennet, fol. 476.

Holingſhed, p. 283.

Above, p. 424.

Carte, vol. ii. p. 802, from Rot. parl.

Hiſt. of Scotland, p. 283.

* Holingſhed ſays, that the lord Hales applied to the duke of Albany and lords of the Scottiſh council for relief, and that the duke advanced with an army to Lammer-muir; but that the garriſon perceiving, through the diſſenſion of the king and nobles, there was no probability of their being reſcued, ſurrendered on the 24th of Auguſt. Buchanan places the concluſion of the truce, by virtue of which the caſtle of Berwick was to be ſurrendered, on the 26th of that month.

† Carte adds, that the duke of Glouceſter was immediately made warden of the eaſt marches; but from the convention with the duke of Albany, in Rymer, vol. xii. p. 173, it ſeems plain, that he ſhould have ſaid of the weſt marches.

It

It was an article of the ſecret treaty between Edward and the duke of Albany, that, if the latter could, by the authority of the church, free himſelf from his preſent marriage-bond, he ſhould marry Edward's daughter Cecilia, who had been contracted more than ſeven years before to the prince of Scotland. And while Albany and Glouceſter were in Scotland with the Engliſh army, they obtained an obligation from the provoſt of Edinburgh and his fellow-citizens, to refund what Edward had paid of Cecilia's dower, in caſe it ſhould not be his pleaſure to have her marriage with their king's ſon completed; and Edward's reſolution herein was to be intimated before the firſt of November next enſuing. Accordingly, the king of England's principal herald was ſent to notify, in due time, at Edinburgh, that it was his maſter's pleaſure, for *diverſe cauſes and conſiderations him moving*, to refuſe the accompliſhment of the marriage formerly agreed. This hindered not the treating of a marriage between Margaret the king of Scotland's ſiſter, and Anthony earl of Rivers, brother to the queen of England; whoſe ambitious ſchemes intermingled themſelves with all her huſband's affairs. This marriage appears to have been fully agreed on, about the time of concluding the truce, while the entire direction of Scottiſh affairs was in the hands of the duke of Albany; and ſome months after, when Albany had relieved his brother from his impriſonment in the caſtle of Edinburgh, and the moſt perfect friendſhip ſeemed to ſubſiſt betwixt them, miniſters were appointed by both courts to ſettle all the conditions of the nuptial contract. James, alſo, about this time, ſhewed ſo much confidence in his neighbour-monarch, as to accept of a ſafe-conduct from him, in a pilgrimage he intended to the relicts of St. John at Amiens ‡; on which occaſion it was propoſed, that, as James paſſed through England, the two kings ſhould have an interview.

James III. K. of Scotland. 1482. Rym. ib. 161. Oct. 27. Rym. ib. p. 167. Ib. p. 168. Nov. 23. Ib. p. 170.

But theſe ſchemes were all blaſted by the revival of jealouſies between James and his brother Albany, for which, it is very evident that the conduct of the latter gave the king ſufficient grounds. Albany pretending, that his life was in hazard at his brother's court, retired to the caſtle of Dunbar; and thence ſent his ambaſſadors, as he called them, to the king of England, to treat and conclude with him, agreeably to what had been ſettled in the June preceding, at the caſtle of Foderingay. The ambaſſadors ſent by Albany were, Archibald earl of Angus, Andrew lord Gray, and Sir James Liddale of Halkerſton; and the commiſſioners appointed to treat with them, on the part of the king of England, were, Henry earl of Northumberland, John lord Scrope, and Sir William Parr. By theſe commiſſioners, it was agreed, that a truce between the ſubjects, friends, and adherents of Edward, and thoſe of the duke of Albany, ſhould be ſtrictly obſerved for a year; that the names of thoſe adhering to the duke ſhould be ſent in writing, under his ſeal, to the duke of Glouceſter and earl of Northumberland, the wardens of the Engliſh marches, before the laſt day of March enſuing; and that the ſaid writing ſhould alſo contain the names of thoſe who dwelt nigh the marches of England, and

A. D. 1483. Jan. 12. Ib. p. 172. Feb. 9. Ib. p. 173, 174, 175.

‡ He had obtained ſafe-conducts for the ſame effect in 1475 and 1478. Rymer, vol. xii. Superſtition was a conſiderable ingredient of James's character.

refuſed:

Edward IV. K. of England. 1483.

refuſed to be of the duke's party, that ſuch meaſures might be taken with them as might be for the intereſt of both princes. The duke of Albany was bound to perſiſt, during the truce, and afterwards, in his enterpriſe of acquiring the crown of Scotland; and to hearken to no offers of his brother, while reaſonable aſſiſtance was afforded him by the king of England. Upon his ſucceeding, the old league with France was to be renounced, and the whole power of Scotland to be employed in aſſiſting England to conquer the firſt mentioned kingdom. The ambaſſadors of Albany engaged, for the duke, for themſelves, and all their friends, that no queſtion ſhould hereafter be made concerning the right of the king of England, to the town and caſtle of Berwick, nor title pretended thereto by the duke, his heirs, or any of his party. The duke of Glouceſter and earl of Northumberland were to be ſent to the marches, whereof they were wardens, in order to be ready to ſupport the duke of Albany, as circumſtances ſhould require; and in particular, they were to furniſh him with three thouſand archers for ſix weeks, to be in the pay of the king of England. On requiſition made by the king of England to the duke of Albany, James earl of Douglas was to be reinſtated in the poſſeſſion of his lands in Scotland, in ſuch manner as had been agreed between him and the ambaſſadors, more particularly between him and the earl of Angus. Albany, on gaining the crown, was to take to wife one of the king of England's daughters, without a fortune. The Scotch ambaſſadors who negociated this treaty, judging that all means of reconciliation with their natural ſovereign was now cut off, engaged for themſelves and all they ſhould be able to influence, that, in caſe of the deceaſe of the duke of Albany and the heirs of his body, they ſhould thenceforth be ſubjects to the king of England alone; and ſhould defend their places of ſtrength againſt James and his ſucceſſors, and all the enemies of the king of England *.

April 9. Edward IV. K. of England.

But the death of Edward IV. which happened two months after this convention, diſappointed all its views; Richard duke of Glouceſter, who was then in the north, preparing, as is probable, to give ſupport to the duke of Albany, immediately moved ſouthwards, in order to get into his poſſeſſion the perſon of the young king, and to ſeize the reins of government, under the title of *Protector of the kingdom*. Not content with this elevation, he ſoon after made his way to the throne itſelf, through the moſt horrid ſcenes of perfidy and blood. But, while Richard was employed either in acquiring or ſupporting his uſurped power †, his friend the duke of Albany was abandoned

June 25.

Richard III. K. of England.

* To this treaty a ſchedule was annexed, containing a declaration of the Scottiſh ambaſſadors, that it was not their intention or that of the Engliſh commiſſioners, that, in conſequence of the preſent agreement, any innovation ſhould be made on the part of Scotland, by repairing Caw-mills or Blacader's tower, (perhaps theſe had been demoliſhed by the Engliſh in their late invaſion,) or building any fortreſs of lime and ſtone, or by Scotchmen ſettling near the borders in any other way than they did at preſent. But all things were to remain in their preſent ſituation; and no change made, unleſs by ſome particular ſubſequent negociation between the princes, to be carried on by advice and aſſent of the wardens on each ſide. Rym. vol. xii. p. 176.

† He brought up five thouſand men from the north, poorly apparelled, (ſays Stowe,) and worſe harneſſed, to quaſh any diſturbance that might ariſe at his coronation. They were commanded by Robert of Ridſdale, and muſtered in Finſberry field. Stowe, p. 458.

to

to the juſt reſentment of his brother. For James having diſcovered his correſpondence with the court of England and the earl of Douglas, ordered him to be ſummoned to appear in judgment, to anſwer to this charge. Albany having no hopes of being able to ſupport himſelf againſt his brother by open force, after being diſappointed of the aid he expected from England, took refuge in the borders of that kingdom, leaving his caſtle in the poſſeſſion of an Engliſh garriſon well provided with all neceſſaries. Hereupon he was again forfeited, together with the lord Crighton, one of his accomplices; the king being probably too feeble to bring to juſtice the reſt of the numerous party that were in his intereſts.

James III. K. of Scotland. 1483.

The old earl of Douglas continued ſtill to enjoy under Richard, the ſame protection that had been given him by his predeceſſors Henry VI. and Edward IV. In conſideration of particular ſervices, which had not before been ſuitably rewarded, Richard ſettled on him an additional penſion of 200l. a year, for the more decent maintenance of his dignity. But the uſurper's great expence in ſupporting his ill-got power, and the continual alarms in which he lived from the plots of his numerous adverſaries, who ſought to overturn it, hindered his giving ſuch aids to Albany and Douglas, as had been promiſed in the late treaty between Edward and the former. Hoſtilities, however, were continued on the borders *, and the duke and earl made at laſt a bold experiment, for diſcovering what they might expect from the favour of their countrymen. They advanced in this view, with a body of five hundred horſe, to a fair held at Lochmaben on St. Magdalen's-Day; but the enterpriſe proved fatal. Their countrymen under the conduct of the lairds of Johnſton and Cockpool treated their troop as a band of robbers; and after a tedious and bloody conteſt, gained the victory. Albany made his eſcape into the Engliſh borders, by the fleetneſs of his horſe, while Douglas, ſlow by age and his load of armour, remained a captive. Alexander Kirkpatrick had the honour of ſeizing this offender, and of preſenting him to the king, who rewarded ſo important a ſervice with a grant of the lands of Kirkmichael. The life of the earl was ſpared, but he was cloiſtered in the abbey of Lindores, where he died about four years after; and leaving no progeny, in him became extinct the eldeſt branch of the line of Douglas, which had ariſen to a height of ſplendour and power, far beyond what had ever appeared in any other family

Rym. vol. xii. p. 213. A. D. 1484. Feb. 12.

Buchanan.

July 22.

* Richard, in letters of the 31ſt of March to the Pope, and to the college of cardinals, in favour of John Shirwood biſhop elect of Durham, requeſts them to abate ſome part of the dues payable by him at that time to the Pope and college; in conſideration that almoſt all the towns, poſſeſſions, and caſtles, of his biſhoprick, were ſituated in that part of England which lay contiguous to Scotland; and were in uſe to be ſupported and defended by the biſhop of Durham. This, he obſerves, could not be done without a vaſt expence, as might be eaſily judged from the biſhop's being obliged to keep a hundred mercenary ſoldiers in one of his caſtles, (he muſt mean that of Norham) even in time of peace. What then is to be thought, adds he, of the whole number of his caſtles and other places, eſpecially in the time of the preſent moſt grievous war, that we are carrying on with the moſt fierce and hardy nation of the Scots? he obſerves farther, that the caſtles and towns belonging to the church of Durham, were in ſo ruinous a ſtate, partly through the negligence of preceding biſhops, and partly by the devaſtations committed by the Scots, that the revenues of ſeveral years would not be ſufficient to reſtore them. Rym. vol. xii. p. 224. There are more circumſtances than one, aggravated in this account.

on

Richard III. K. of England. 1484.

on the borders of Scotland, or indeed in any other family or ſubject in the kingdom.

This ſucceſs of James made it appear more expedient for Richard to make up his differences with him, than to ſupport any longer his rebellious ſubjects againſt him. And James, on the other hand, had ſuch diſcontents and diſaffection to ſtruggle with at home, as made it very deſirable to him to cultivate peace with his neighbour of England. A congreſs of plenipotentiaries *, for compoſing the diſſenſions between the kingdoms, was held at Nottingham in September; and on the 21ſt of that month, a truce was concluded, to commence from ſun-riſing on the 29th inſtant, and to continue for three years, or till ſun-ſetting on the 29th of September 1487. This treaty contains ſeveral articles relating to the particular circumſtances of the time when it was concluded. That concerning the caſtle of Dunbar, which was then in the hands of the king of England, is ſomewhat ſingular. The caſtle, with the bounds belonging to it, was to enjoy an undiſturbed abſtinence from war for the certain term of ſix months, after the commencement of the general truce now concluded; and this truce of the caſtle was to continue during the remainder of the three years of the general truce, if the king of Scotland did not, in ſix weeks after its commencement, notify to the king of England, that it was not his pleaſure, that the caſtle of Dunbar ſhould be comprehended in the truce longer than ſix months: in which caſe, if hoſtilities ſhould commence, they ſhould be wholly confined to the attack and defence of the caſtle, and ſhould in no other reſpect infringe the truce of three years, now concluded between the kingdoms. To this article relating to the caſtle of Dunbar, is immediately ſubjoined one concerning the town and caſtle of Berwick; by which it was agreed, that theſe places, together with the whole limits that were in uſe to be there poſſeſſed by the Engliſh, during the time of truce between the kingdoms, ſhould be included in the preſent truce, during the whole three years of its continuance. Concerning traitors or rebels againſt either of the kings, it was agreed, that any ſuch offenders ſhould not, after the commencement of the preſent truce, be received into the dominions of the other; or if ſettled in them before, ſhould not thereafter receive ſupport or aid from the king, or any of his people. All perſons of this character, who, during the truce, ſhould paſs from their own king's dominions to thoſe of the other, ſhould be delivered up by the latter; and the ſame ſhould be obſerved

Rym. vol. xii. p. 235.

* The plenipotentiaries from Scotland were, Colin earl of Argyle, L. Lorn chancellor of Scotland, William biſhop of Aberdeen, Robert lord Liſle, Laurence lord Oliphant, John Drummond of Stobhall, Archibald Whitelaw archdean of Lothian, ſecretary to the Scottiſh king, (*Illuſtriſſimi & invictiſſimi principis Jac. Scot. Reg. Secretarium*) Lyon king of arms, and Duncan de Dundas. Thoſe of the king of England were, John biſhop of Lincoln chancellor of England, Richard biſhop of St. Aſaph, John duke of Norfolk, Henry earl of Northumberland, Thomas Stanley lord Stanley, George Stanley lord Strange, John Gray lord Powis, Richard lord Fitzheugh, knights; John Gunthorp dean of Wells, keeper of the privy ſeal, Thomas Barowe archdeacon of St. Paul's maſter of the Rolls, Sir Thomas Brian chief juſtice of the king's-bench, Sir Richard Ratcliffe knight of the Garter, William Cateſby, and Richard Salkeld, eſqrs. of the king's body. By the date of the commiſſion to the Engliſh plenipotentiaries, it appears, that Richard was preſent himſelf.

with regard to thoſe who had been ſettled in either kingdom before the beginning of the truce, and who, during the continuance of it, ſhould commit any hoſtility or damage in the territories of their own ſovereign. Such on their return were to be no longer protected, but to be delivered up to the prince whoſe rebels they were. As to thoſe Scots who had taken up their abode in the Engliſh territories, and by ſwearing fealty to the Engliſh king, had, together with their wives and children, become his lieges, it was agreed, that a liſt of their names ſhould be tranſmitted by the Engliſh wardens or their lieutenants, to the king of Scotland or his chancellor, within ſix weeks after the commencement of the truce; and that none of theſe people who might chuſe to return to their own country, and hope to eſcape there the puniſhment due for offences they had committed on the borders of either kingdom, ſhould, during the truce, be received into favour by the king of Scotland, or obtain his pardon; but that he ſhould cauſe them to be apprehended and puniſhed capitally, if the nature of their guilt made them liable to it; or if not, he ſhould return them to the officers of the Engliſh king on the marches, to be chaſtiſed or puniſhed by them, according to their demerits. And the ſame was to be obſerved by the king of England and his officers, with regard to any Engliſhmen, who, for the ſake of refuge and immunity from the puniſhment of their crimes, had transferred their allegiance to the king of Scotland. Two new articles were added in this treaty, concerning the wardens of the marches and their lieutenants; on whoſe character and conduct the quiet of the borders, and peace of the kingdoms, very much depended. By the firſt of theſe, it was agreed, that within ſix weeks from the beginning of the truce, each king ſhould give authentic notice to the other of the names, perſons and ſtates of his wardens and their lieutenants, and that when any changes ſhould be made of theſe officers, in the courſe of the truce, ſuch changes ſhould not take place without previous notice of at leaſt twelve days, given the other king or his chancellor; who was, at the ſame time, to be informed concerning the perſon of the ſucceſſor; and that the warden or lieutenant to be removed, ſhould, before his removal, give ſufficient ſecurity to his ſovereign, for reparation of damages that had been committed, or not redreſſed, during the time of his adminiſtration; and where the taking of this ſecurity had been either neglected, or had not been duly exacted, in ſuch caſes, recourſe was to be had for redreſs to the king himſelf, who had made or confirmed any ſuch removal. It was alſo farther agreed, that if, during the truce now concluded, any warden of either of the kings ſhould lead an army into the territories of the other, or otherwiſe commit in them depredations, ſlaughters, or other acts of hoſtility; in that caſe, the prince, whoſe warden or lieutenant had thus offended, ſhould, within ſix days from ſuch hoſtile aggreſſion, declare him a rebel and traitor; and within twelve days give authentic notice of his having iſſued ſuch a declaration to the prince, whoſe ſubjects had been attacked. The general articles of this treaty both with regard to ſea affairs, and the preſervation of order on the marches, are the ſame as thoſe in the treaty of 1464, and

James III. K. of Scotland. 1484.

Richard III. K. of England.

others preceding it; only ſome of theſe articles are omitted, at leaſt in the copy publiſhed by Rymer *.

1484. Rym. vol. xii. p. 244.

On the ſame day was ſubſcribed a convention for a marriage between the duke of Rotheſay, and Ann de la Pole, daughter to the duke of Suffolk, and niece to Richard by his ſiſter; but Richard had met his deſerved fate, before the day arrived, that was fixed for ſettling the particular terms of the match. Another convention was ſubſcribed on the day following, appointing meetings of the *great commiſſioners* for all the marches, to be held for the more ſpeedy and effectual enſuring the obſervation of the truce. Thoſe of the middle and eaſt marches, were to meet at Reading-burn on the firſt of December; and they were appointed then and there to depute certain perſons to paſs to the bounds of Berwick, and ſee that theſe were agreeable to what was enacted by the treaty of truce. In order to make thoſe ſettlements that were immediately neceſſary, and to prepare matters for the meetings of thoſe called the *great commiſſioners*; previous meetings of gentlemen on both ſides of the weſt, middle, and eaſt marches, were appointed to be held in October at Lochmaben-ſtane, Hawden-Stank, and Reading-burn †.

Sept. 22. Ib. p. 246.

* The three firſt articles of the original treaty of 1424, (above p. 389, &c.) and copied thence in all the ſubſequent treaties are not in this; nor the article prohibiting the ſhips of one country to ſtop the navigation of thoſe belonging to the other, which appears in all the treaties ſince that of 1451 incluſive (above p. 414.). The article alſo requiring, that the wardens and men of note near the borders ſhould ſwear to the obſervation of the truce, (above p. 404. 412.) and continued in ſubſequent treaties is here omitted. Such oaths in the preſent ſtate of the borders would have been of hard digeſtion and ill kept; which was indeed too much the caſe at all other times.

The conſervators of this truce on the part of Scotland were, David earl of Crawford and lord Lindſay, George earl of Huntly, lord Gordon and Badenoch; John lord Darnely, John lord Kennedy, Robert lord Lile, Patrick lord Hailis, Laurence lord Oliphant, William lord Borthwick, John Roſs of Halkhede, John Lundy *de eodem*, James Ogilvy of Airly, Robert Hamilton of Fingalton, William Belzie of Lammington, John Kennedy of Blarquhan, John Wemyſs *de eodem*, William Ruthven *de eodem*, and Gilbert Johnſton of Elphinſton, knights; John Dundas *de eodem*, John Roſſe of Mongrenan, and Edward Cricht n of Kirkpatrick, eſqrs. For the king of England the conſervators were, John earl of Lincoln, Henry earl of Northumberland, Ralph lord Neville, Ralph lord Grayſtock, Richard lord Fitzhugh, John lord Scrope, Thomas lord Scrope of Maſſa, Humphry lord Dacre, Richard Ratcliff, John Conyers, Edmund Haſtings, Robert Conſtable, Hugh Haſtings, William Evers, John Huddelſton, Chriſtopher Moreſby, knights; William Muſgrave, William Claxton, Richard Salkeld, eſqrs. and together with theſe, all the admirals and wardens of the marches of both kingdoms.

† The great commiſſioners for the middle and eaſt marches were, on the part of England, the earl of Northumberland, lord Grayſtock, lord Scrope of Maſham, Sir William Gaſcoyne, and Sir Robert Conſtable; on the part of Scotland, the earl of Angus, the earl of Huntly, the earl of Argyle chancellor of Scotland, lord Annandale, lord Seton, lord Oliphant, and the laird of Stobhall, or any three of each liſt. The inferior claſs of commiſſioners that were to hold a meeting at Hawden-Stank on the 18th, and at Reading-burn on the 21ſt of October, were, on the ſide of England, Sir Henry Percy, Mr. Alexander Lee, John Cartington, Nicholas Ridley, and Robert Colingwood; and for Scotland, Alexander Hume, Walter Carre, David Scot, George Hume of Ayton, James Rutherford laird of Rutherford, and Andrew Ormeſton laird of Ormeſton, or three of each liſt. A meeting was alſo to be held for adjuſting the bounds of Dunbar, and redreſſing wrongs that had been committed there. There is an unuſual article in this convention, appointing ſafe-conducts to be given by each king to a ſubject of the other whom his own ſovereign ſhould name, allowing the perſon thus named, and twelve in his company, to carry what merchandiſes they pleaſed into the neighbouring kingdom, and to paſs and repaſs with them ſafely during all the time of the truce now concluded.

In

In conſequence of theſe tranſactions, the cauſe of the duke of Albany being abandoned by his old and intimate friend Richard, the duke retired into France; where he died not long after, of a wound he received at a tournament. But his late friends and dependants on the borders, were ill-diſpoſed to obſerve a treaty which implied a total ſubverſion of their immoderate views. And hence the truce was ſo badly kept, that, as if it had not exiſted, a commiſſion, in the following December, was given by Richard to ſome of the moſt eminent * men on the marches, to negociate, either conjunctly or apart, with any having commiſſion from the king of Scotland, a truce for any convenient and moderate time; during which hoſtilities ſhould ceaſe every where by land and ſea, between the ſubjects of the two kingdoms; and they ſhould treat one another with ſuch mutual acts of friendſhip, as had been uſual in former times of truce between the nations. In the beginning alſo of the following year, Sir Richard Ratcliffe knight of the king's body, Nicholas Ridley eſquire of the ſame, and John Carington eſquire, as commiſſioners from the king of England, were empowered to treat with others from the Scottiſh king, concerning the beſt means of rendering effectual the ſeveral articles of the treaty lately concluded at Nottingham, and of redreſſing the wrongs that had been on either ſide committed, in violation of it. For carrying on this work, they had a power of fixing diets for march-meetings; in conſequence whereof Ratcliffe and Ridley, with ſome others †, commiſſioned by Richard, were to have a meeting in the following ſpring, with commiſſioners from the king of Scotland, at Lochmaben-ſtane, or in the neighbourhood; from which it would ſeem, that the principal exceſſes had been committed on that ſide of the borders.

James III. K. of Scotland. 1484.

Rym. ib. p. 252. Dec. 2.

A. D. 1485. Jan. 30. Ib. p. 258.

Ib. p. 266, 267.

In the mean time the king of Scotland was adviſed by his parliament, which met in February, to undertake the ſiege of the caſtle of Dunbar; and as the ſame parliament declared their approbation of the truce, and of the intended match between the duke of Rotheſay and Anne de la Pole, it may be concluded, that James, in ſix weeks after the truce began, had, as the treaty concluded at Nottingham required, notified to the king of England, his intention of beſieging the caſtle, after the expiration of the firſt ſix months of the truce. The parliament adviſed him to begin the ſiege by the firſt of May; at which time all on the ſouth of the Forth, that owed the king military ſervice, were appointed to repair to the place, with proper arms and accoutrements, and proviſions for twenty days; and on the 18th of that month, thoſe on the north of the ſame boundary, were ordered to be alſo at the ſiege, to ſhare with their countrymen the labour and hazard of the enterpriſe. But notwithſtanding of this appearance of proceeding by forcible

Aberc. vol. II. p. 465. from Black Acts, fol. 70.

Buchanan. Holingſhed.

* Theſe were, Humphrey lord Dacres, Richard de Salkeld, John de Crakenthorp, and William de Muſgrave, for the weſt march; and Sir Henry Percy, Sir Thomas Gray, John de Cartington, Robert Colingwood, and John Lilburn, for the eaſt and middle marches.

† The other Engliſh commiſſioners were, Thomas Metcalf chancellor of the dutchy, William Claxton, and Nicholas Salkyld. The Scotch commiſſioners were, lord Kennedy, lord Liſle, Alexander Hume, David Scot, Mr. John Ireland, Mr. Alexander Stuart, Sir Gilbert Johnſon, and John de Murray.

Richard III. K. of England. 1485.

methods, it doth not appear that any ſuch were attempted during the life of Richard; who, according to ſome hiſtorians, amuſed his neighbour-monarch with fair promiſes, in anſwer to repeated ſolicitations from him to reſtore his caſtle, without obliging him to have recourſe to ſuch violent proceedings as were unbecoming the preſent friendſhip of the kings, and the proſpect of a near relation betwixt their families.

Aug. 22.

In the month of Auguſt following, the miſerable dream of ſovereignty which had haraſſed Richard during a ſhort reign of two years and two months, came to an end together with his life, in the field of Boſworth. The general abhorrence againſt the tyrant, together with an engagement, that Henry Tudor earl of Richmond had come under to marry Elizabeth the eldeſt daughter of Edward IV. and thus to unite the claims of the two rival houſes of York and Lancaſter, conſpired to aid a very lame title which that earl had to the crown as the heir of the family of Lancaſter; ſo that, with an almoſt univerſal conſent, he was raiſed to the throne, under the title of Henry VII.

THE

THE

BORDER-HISTORY

OF

ENGLAND AND SCOTLAND.

BOOK VII.

DURING the commotions attending the great revolution, by which Henry VII. was raiſed to the throne of England, it is probable that an object ſo remote as the caſtle of Dunbar had been little attended to; and James availing himſelf of ſo favourable an opportunity, laid ſiege to it in winter, and obliged the garriſon to ſurrender on terms. In the following ſummer a truce was concluded at London between the new king of England, whoſe temper was always pacific, and James the king of Scotland, who had ſtill the ſame reaſon, from the diſcontents of his nobles, to cultivate peace with England. This truce was to continue three years, from the third of July in the preſent year: and the general articles of the treaty differ very little from thoſe in that concluded between James and Richard, in 1484; there being alſo the ſame omiſſions in it of articles that had been inſerted in former treaties.

Henry VII. K. of England. James III. K. of Scotland. 1485. Aberc. vol. ii. p. 468. Buchanan. A. D. 1486. July 3. Rym. ib. p. 285.

With regard to fugitives from Scotland *, who had become lieges of the Engliſh king, and whoſe names had, agreeably to the treaty at Nottingham, been ſent into Scotland, it was now agreed, that they ſhould be obliged by the Engliſh to obſerve the articles of the preſent truce; and that any wrongs committed by them againſt the ſubjects of the Scottiſh king, ſhould be redreſſed in the ſame manner as if they had been committed by the original ſubjects of the king of England: the ſame rule being obſerved on the part of the king of Scots, if any Engliſhmen had before theſe times ſworn fealty to him. What is of a more particular nature in this treaty, relates to the town and caſtle of Berwick. Theſe, together with their bounds, were to enjoy a truce of one or three years, according to certain events and circumſtances declared in the pre-

Above, p. 419.

* This article concerning fugitives of either kingdom, becoming ſubjects of the other, is continued in ſubſequent treaties.

Henry VII. K. of England. 1486.

ſent treaty. For, it was thereby agreed, that, on the 8th of March enſuing, with continuation of days, if requiſite, a diet ſhould be held on the marches between commiſſioners from each king; who ſhould be inſtructed and impowered amicably to determine the bounds to be poſſeſſed by the inhabitants and garriſon of the town and caſtle, agreeably to their extent and limits, during former truces, while theſe places were in the hands of the king of England; or if a clear proof could not be obtained of the preciſe extent of theſe ancient boundaries, the commiſſioners ſhould then in a friendly and equitable manner ſettle new ones. It was farther agreed, that, if queſtions and differences on this head were not determined by the commiſſioners before the 8th of April, in that caſe the preſent truce ſhould expire at the end of a year from its commencement; but, in order, if poſſible, to prevent this diſagreeable event, the Engliſh commiſſioners at the aboveſaid diet, after having ſpent ſome time on its particular buſineſs, ſhould, whether they had finally determined it or not, proceed to the city of Edinburgh, in hopes of bringing it to a reaſonable concluſion there, before the 8th of April; and alſo to treat of a cloſer friendſhip and longer truce between the kingdoms; and in that view, to negociate a marriage-treaty between (*a*) James marquis of Ormond, the king of Scotland's ſecond ſon, and Catherine third daughter of the late Edward IV. of England. In the mean time, it was agreed, that, whether the truce ſhould continue three years or one, the town and caſtle of Berwick, with their limits and inhabitants, ſhould be comprehended in it; ſo as that the king of Scots ſhould abſtain from all manner of hoſtilities againſt them, and the king of England ſhould not allow his ſubjects in the town, caſtle, or bounds, to commit any hoſtilities againſt Scotland †.

(*a*) Afterwards archbiſhop of St. Andrews.

This treaty was ratified by the king of Scotland towards the end of the following October; but it is probable that the meeting appointed by it, in the following ſpring, in the neighbourhood of Berwick, was either prevented or diſturbed by the rebellion of Lambert Simnel. For, in the courſe of the winter, that young impoſtor, perſonating the earl of Warwick, ſon to George duke of Clarence, made his appearance in Ireland; and, from the affection

† The commiſſioners who negociated this truce were, on the part of Scotland, William biſhop of Aberdeen, John lord Bothwell (Ramſay James III.'s favourite), John lord Kennedy, knights, Robert abbot of Holy Rood Houſe, Archibald Whitelaw archdeacon of Lothian, ſecretary, and John Roſs of Montgrenan; on the part of England, John of Worceſter and John of Lincoln biſhops, Friar John Wiſton prior of the order of St. John of Jeruſalem in England, and John lord Dynham, knights, Thomas Lovel treaſurer of the king's chamber, and Mr. Henry Ainſworth LL. D. canon of Lincoln, ſecondary in the office of privy-ſeal.

The conſervators of this truce were greatly reduced from the number uſual in all the treaties ſince the reſtoration of James I. They are only here the wardens of the marches, their lieutenants, the admirals of the ſea and keepers of the marches on each ſide. The wardens of the marches were, on the ſide of Scotland, Archibald earl of Angus, lord Douglas, for the eaſt and middle, and John lord Maxwell for the weſt march; and on the ſide of England, Henry earl of Northumberland, for the eaſt and middle, and the lord Dacres for the weſt march. Their powers as in former truces. The diſtinction between *gardiani & cuſtodes marchiarum* appears firſt clearly in this treaty; and the *cuſtodes* appear alſo to have been different from the *locatenentes* of the wardens. Beſides the *wardeni* the other conſervators are thus expreſſed: *et eorum locatenentes, & omnes admiralli maris, & cuſtodes marchiarum.* See below, ad ann. 1522.

of

of the inhabitants of that kingdom to the houſe of York, was, almoſt unanimouſly, acknowledged by them as their ſovereign. John de la Pole, earl of Lincoln, whom the late king Richard, on the deceaſe of his own ſon, had declared apparent heir to the throne, joined in this rebellion; accompanying to Ireland a body of two thouſand German mercenaries, whom Margaret ducheſs dowager of Burgundy, ſiſter of Edward IV. and the implacable foe of Henry, ſent over to aſſiſt the impoſtor. The alarm and danger from this rebellion were not over till about Midſummer; when the rebels, who had landed from Ireland in the beginning of June, received a total defeat in the battle of Stokefield near Newark on Trent. According to the late treaty, if differences were not adjuſted about the bounds of Berwick before the 8th of April in this year, the truce was to expire on the 3d of the enſuing July; and that it did expire, appears evident from a convention made at Edinburgh, in the end of November, between commiſſioners from the two kings ‡, wherein mention is made of a truce that had been lately concluded at Edinburgh, and was to continue to the third of July in the following year. While Henry was on a progreſs through the northern counties, carrying on a ſevere inquiſition againſt thoſe concerned in the late rebellion, he ſent from Newcaſtle * into Scotland Richard Fox biſhop of Exeter, and Sir Richard Edgecombe comptroller of the houſehold, to treat with James about finally compoſing all quarrels between the kingdoms. The propoſals for this purpoſe were very ſtrange: whether we conſider them as coming from Henry, or hearkened to by James. Beſides the marriage between the marquis of Ormond and Catherine † the third daughter of Edward IV. which was mentioned in the treaty of laſt year; a marriage was now propoſed between James himſelf and Elizabeth the widow of Edward, and another between the duke of Rotheſay and any other daughter of Edward, whom the two kings ſhould chuſe. It is true, Elizabeth was the mother of Henry's queen, and of the two Engliſh princeſſes now propoſed to be married to the two princes of Scotland. But a factious hatred and jealouſy of the houſe of York had got the aſcendant in Henry's mind, over all ſenſe of intereſt and decency; inſomuch that his marriage with Elizabeth was viſibly a force upon him, and he ever treated her harſhly; though, as lord Bacon obſerves, ſhe was beautiful, gentle, and fruitful. Nor would he ſuffer her to be crowned, until the rebellion of Lambert Simnel convinced him of the univerſal and dangerous offence he gave by delaying it. On the breaking out of this rebellion, he had ſhut up the queen-dowager in a nunnery, on ſuſpicion of her being privy to it, and had ſeized into his hands all her eſtate and treaſures, which were very great. He kept her in this confinement all the remaining part of her life; and in this ſituation ſhe had been many months before the propoſal now made of marrying her to the king of Scotland. He knew her to be a woman of ſpirit, reſentment, and political

James III. K. of Scotland. A. D. 1487.

Rym vol. xii. p. 328.

‡ Theſe were, Carliſle herald for England, and Snawdon herald for Scotland.

* He came to that place about the middle of Auguſt. Stowe, p. 472.

† She was afterwards married to the viſcount Wills, and afterwards to Sir John Kyme, an obſcure gentleman in the Iſle of Wight. Carte, vol. ii.

intrigue;

Henry VII. K. of England. 1487.

intrigue; and had ſhe become James's wife, and her two daughters the wives of his ſons, Scotland would naturally have become a ſanctuary of the friends of the houſe of York; and Elizabeth would have improved the old connexion between Scotland and France, and every other circumſtance to diſtreſs Henry; whoſe hard treatment it was not likely that ſhe would ever forgive. On the other hand, it is equally ſtrange, how James, a man not thirty-five years of age, ſhould have thought of marrying a woman who was at that time ſeveral years above forty, and muſt probably have been broken in health and ſpirits by the ſeries of misfortunes ſhe had gone through. He muſt alſo have heard of the ſtrong ſymptoms of averſion that Henry had ſhewn to the houſe of York, which made it altogether improbable that the projected alliances with that houſe, ſhould prove a mean of cementing union and friendſhip between the kings. James appears to have had a vehement deſire of recovering Berwick, which Albany and his faction had given up, while the king's authority was annihilated. And in the convention now in queſtion, the reſtoring of Berwick is mentioned as the reſult of the amicable termination of the differences between the kings, and of their near alliance; though it is likely that Henry never ſeriouſly intended to quit with that place; and that the proſpect he gave of reſtoring it, as well as of the ſeveral intermarriages, was intended only to amuſe. It was agreed, however, that for the farther treating of theſe matters, and bringing them to a concluſion, a diet that had been before fixed, ſhould be held at Edinburgh on the 24th of January, and that at this diet another ſhould be fixed to be held in the month of May, and that in July there ſhould be a perſonal interview between the kings, in order to a fuller communication of their ſecret views, and the confirmation and increaſe of friendſhip between themſelves, their kingdoms, and ſubjects. It was alſo agreed, that the preſent truce, which was to have continued until the third of July in the year following, ſhould be prolonged to the firſt of September in the year 1489; and that, with regard to the town and caſtle of Berwick, and their limits, as well as in every other reſpect, the conditions of it ſhould be the ſame as thoſe of the late treaty at London.

A. D. 1488. Jan. 30. Rym. ib. p. 334.

In the following January, but after the day of the diet mentioned in the late convention, Henry earl of Northumberland received a commiſſion to treat of a peace or truce with the king of Scotland or his commiſſioners; and had power given him to depute others to manage this negociation, either in his own preſence or abſence. In May alſo a commiſſion was given to two perſons of inferior rank ‡ to treat with the Scottiſh king, or ſuch as ſhould be deputed by him, about a peace perpetual; or, during the lives of the kings, a truce, confederacy, and freedom of commerce: but there is no mention, in either of theſe commiſſions, of the marriages that had been before propoſed. During this period, alſo, a ſafe-conduct was granted to twelve perſons, and their retinue, coming as ambaſſadors from the Scottiſh king to the court of Eng-

Ib. p. 340.

Feb 2. Ib. p. 334.

‡ John Baltefwell LL. D. and clerk of the king's council, and Henry Wyot treaſurer of the jewels.

land;

land*; and a commiſſion was renewed to lord Dacres, and others, to ſettle with commiſſioners from Scotland, certain differences that had ariſen about the fiſh-garth in the river of Eſk. Theſe are proofs, and the laſt that appear in the courſe of James's reign, of a friendly intercourſe between the two kings; but there is ground to ſuſpect, that Henry was alſo in ſome ſecret correſpondence with that party of the Scottiſh nobles who openly rebelled this year againſt their ſovereign; for there were letters of ſafe-conduct †, and a ſpecial protection granted by him, in the month of May, with the advice of his council, to ſeveral of the heads of that faction.

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For it was about this time that the mutual hatred and continual jealouſies between James and a great part of his nobles, produced an open aggreſſion on the part of the latter. The unfortunate monarch ſtill retained his weakneſs for favourites; Ramſay, whoſe life he had preſerved at Lauder, by the moſt earneſt intreaties, when the reſt were torn from him, he made a lord, and beſtowed on him the office of maſter of his houſehold; and is ſaid to have iſſued an edict, forbidding all others to appear armed at court, except this minion and his dependents. In the two preceding parliaments, ſevere laws were made againſt malefactors and diſturbers of the public peace; and the king had ſolemnly promiſed to the parliament that met in October, to give no pardon to thoſe guilty of the more heinous kinds of crimes, for ſeven years to come. Theſe acts chiefly affected the mutinous lords and their followers, and above all, the inhabitants of the borders. The king had alſo propoſed to annex unalienably to the crown the earldoms of March and Annandale, with the baronies of Dunbar and Colbrandſpath, which had been poſſeſſed by his brother the duke of Albany, and ſerved to render his diſaffection ſo formidable. All the dependences of theſe earldoms, and particularly the caſtles of Dunbar and Lochmaben, and the tower and fortreſs of Colbrandſpath, were to be veſted in the king; and any gift of them made by himſelf or ſucceſſors, without the conſent of parliament, was to be in itſelf null, and revokable at pleaſure. To this annexation, the repreſentatives of the burghs appear alone to have given their ſanction; but a project of that nature, which threatened the introduction of a ſeverer diſcipline than the banditti of the borders had ever been accuſtomed to, could not fail to give a great alarm, and excite a furious reſentment. By an annexation of a different kind, that of the ancient priory of Coldingham in the Mers, to the king's chapel of Stirling; which James had lately made, and for which he obtained the ſanction of his laſt parliament, great offence was given to the Humes and Hepburns, who were

Buchan. l. 12. c. 55.

Acts of parliament, Glendook's edition, p. 78.

* A former commiſſion had been iſſued for this effect, on the 14th of the preceding October.

† The perſons named in this ſafe-conduct are, Robert biſhop of Glaſgow, George biſhop of Dunkeld, Colin Campbell earl of Argyle, chancellor of Scotland, Patrick lord Hailles, Robert lord Liſle, Matthew Stewart maſter of Dernlee, and Alexander maſter of Hume. Argyle, Hailles, and Liſle, are mentioned by all the hiſtorians as of the number of the rebels; and alſo lord Hume, father, it is probable, to the maſter here ſpoken of. Was Matthew Stewart of Dernlee ſon to the earl of Lennox? Which earl is alſo mentioned as one of the rebels. In Pope Innocent's bull for abſolving the rebels, mention is made of certain lords, *ſpiritual* as well as temporal, being amongſt them. It is probable, that the biſhops of Glaſgow and Dunkeld were two of theſe ſpiritual lords. Abercromby, vol. ii. p. 482.

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at that time very potent and numerous in the Mers and Lothian, and reſented it as a grievous injury, that an opulent monaſtery ſhould be ſuppreſſed, of which, ſome younger ſon of their families uſed to be prior; and that its poſſeſſions and revenues intermixed with their eſtates, or payable out of them, ſhould be put into hands that would aſſert all their claims with rigour. The diſaffected barons were alſo alarmed with the appearance of the intimate correſpondence and friendſhip between Henry VII. and their own king; on which they afterwards, in the act of parliament they obtained for their vindication, founded a charge of James's purpoſing to introduce Engliſhmen into the kingdom, and perpetually to ſubject it to England; nor was it unnatural for them thus to accuſe him of a method of obtaining protection from England, that ſome of themſelves had, in concert with the duke of Albany, not long before practiſed. James was alſo charged with decoying to Edinburgh, by fair promiſes and pretences of reconciliation, the heads of the rebellious faction, and propoſing there to the earl of Angus to cut them all off; and this ſnare, they are ſaid to have eſcaped by the addreſs of Angus, who promiſed to ſupport with all his might the king, in a courſe of judicial proceedings againſt them; but having immediately after joined them, broke out, in conjunction with them, into open rebellion. It ſeems ſufficiently evident, that the king had formed a ſcheme of depreſſing the power of his nobles; following therein the example of his ally Louis XI. of France, but without either the talents or ſtrength that were neceſſary to ſucceed in ſo difficult an enterpriſe: and as monarchs who are fond of extending their power, are ſeldom ſcrupulous about the means, it is probable, that James alſo imitated Louis in his perfidy, it being affirmed in the famous act already referred to, that certain articles which he had ſubſcribed with his hand, were divers times broken by him. But, whatever were the genuine merits of this cauſe, it is certain, that the greateſt part of the country on the ſouth-ſide of the Forth, and a conſiderable part alſo of the northern counties, took arms againſt their ſovereign. Their principal leaders were, the earls of Angus, Argyle, and Lennox, the lords Hales, Home, Drummond, Liſle, and Gray, who, in order to give a more favourable colour to their rebellion, got into their hands James duke of Rotheſay, the king's eldeſt ſon, a youth then about fifteen years old, and prevailed with him to appear at their head, by perſuading him that his father was engaged in meaſures equally ruinous to his family and kingdom; and alſo, even by threatening him, if he abandoned them, to deliver up the kingdom to the Engliſh. The rebels ſoon poſſeſſed themſelves of the ſouthern counties, and reduced the caſtle of Dunbar; but the king retained the caſtles of Edinburgh and Stirling, which his adverſaries were noways provided for beſieging. As his ſubjects on the other ſide of the Grampian mountains continued loyal, he made a viſit in the beginning of the rebellion, to that part of his kingdom, and engaged the northern lords to bring up their dependents to his aid. He was carried to the northern coaſt by Sir Andrew Wood, a famous ſea captain of that age, who commanded ſome ſhips in the Frith of Forth, and was entirely in the king's intereſts. By the ſame conveyance he was brought back again, and landed at Blackneſs; where an army ſoon aſſembled around him, partly

Buchan. l. 12. c. 56, 57.

partly from the north, and partly from ſome counties of the ſouth and weſt, where he was ſtill obeyed. The rebels came up to him here, but an agreement was made by the interceſſion of the earl of Athol, the king's uncle, who gave himſelf up an hoſtage to the lord Hales for the obſervation of it. This agreement the king is ſaid to have broken, on which his adverſaries ran again to arms; and would thenceforth hearken to no terms of accommodation, unleſs he ſhould firſt reſign his crown to his ſon. The king, however, kept himſelf ſhut up in the caſtle of Edinburgh; having ſent ambaſſadors to the kings of England and France, and alſo to the Pope, to beg their interpoſition and aid. But the help expected from theſe quarters was too diſtant; and the temerity of the king, or ill advice of thoſe around him, precipitated him into a meaſure that proved his ruin. Judging Stirling a more proper place for meeting a numerous army, that was coming to his aſſiſtance from the north, he abandoned the caſtle of Edinburgh; but when he appeared before that of Stirling, the governor, Shaw, refuſed to admit him. The rebels watchful over all his motions, came quickly up with him; and although he was inferior in numbers, and might have been taken on board the ſhips of Sir Andrew Wood in the Firth, he reſolved to riſk an engagement. The firſt attack from the king's forces was vigorous, and made the main body of the nobles to give way; but the borderers inured to war, and carrying longer lances than thoſe on the king's ſide, coming up under the lords Angus and Home, ſoon determined the fate of the day. The king's main body was put to the rout, and he himſelf flying from the field of battle, retired into a mill, where he was found and murdered by ſome of his purſuers.

James III. K. of Scotland. 1488.

This revolution in Scotland was followed by inteſtine commotions, that continued a conſiderable time. James IV. was crowned ſoon after his father's death; but the late loyaliſts could not bear the thoughts of the young king, together with the adminiſtration of the government, being wholly in the hands of the rebellious faction. Some alſo of thoſe who had been engaged in the rebellion deſerted their aſſociates, and joined the adverſe party *. But this party, after ſome ineffectual efforts made by them, were all either ſubdued or reconciled. The kings of England and France were ſo much engaged about the affairs of Bretagne, the latter in attempting to ſubject that province, the other in endeavouring to preſerve it to the old duke and his daughters, that neither of them could give much attention to the affairs of Scotland. The Scottiſh hiſtorians celebrate the exploits of their famous ſea-commander Wood, in deſtroying ſome Engliſh ſhips of greatly ſuperior ſtrength to his own, that were ſent to infeſt the Scottiſh coaſts, and diſtreſs the rebels; but there is not the leaſt mention of theſe things in the Engliſh writers. It ſeems alſo evident, that Henry, whoſe views were ever pliable to circumſtances, and to events that did not admit of alteration, was ſoon in friendſhip with the earl of Angus, who may juſtly be conſidered as the head of the Scottiſh rebellion; for in February of the following year, he granted a ſafe-conduct to that earl going with a great retinue on a pilgrimage to Amiens, wherein he calls him his

James IV. K. of Scotland.

A. D. 1489.

* Holingſhed mentions the earl of Lennox and lord Liſle.

Henry VII. K. of England.

well-beloved. In the firſt parliament after the king's acceſſion, Angus was one of thoſe who were appointed to exerciſe juſtice and preſerve order in the different provinces of the kingdom, during the king's minority. Angus's diſtrict conſiſted of the ſhires of Tiviotdale, Tweddale, and Clideſdale. Mers and Lothian were that of the lords Home and Hales. The war in Bretagne juſt mentioned, had alſo an indirect influence in haſtening the fate of a famous border-chieftain, on the ſide of England. A tax, heavy and unuſual, had been impoſed by the Engliſh parliament, for defraying the expence of ſending forces to the aid of the duke. The people of Yorkſhire and the county of Durham, who, from the affection they had borne to Richard III. were bad ſubjects to Henry, refuſed payment, and maltreated the collectors. The earl of Northumberland, who was at that time preſident or lieutenant of the north, repreſented the ſtate of affairs to the king; but in return, received expreſs orders not to make the leaſt abatement of the ſums impoſed. Theſe orders the earl communicated to a meeting of the principal perſons of the country; and, in an imperious manner, declared his reſolution to ſee them executed: which being ſoon made public, ſo enraged the people, that a multitude of them aſſaulting the earl in his houſe of Cockledge near Thriſke, put him to death, together with ſeveral of his ſervants *. An inſurrection followed, which was ſoon quaſhed by Thomas Howard earl of Surrey; whom the king had a little before delivered from priſon, and received into his favour and confidence.

1489. Rym. vol. xii. p. 358. October.

Carte, vol. ii. p. 832.

Vitalis Mart. April 28. Tueſday. Dudg. i. 282.

The laſt truce between England and Scotland, that appears in printed records, was to expire in the beginning of September 1489; nor does it appear, notwithſtanding the diſorders in Scotland, that this truce was violated on the borders. The border lords were the chiefs of the faction that depoſed James; and the difficulties they found in ſupporting their authority in the interiour and remote parts of Scotland, made it neceſſary for them to maintain peace with England. Henry's pacific character, and the employment the ambition of France gave him on the continent, made him equally averſe to hoſtilities on the ſide of Scotland. Theſe motives had conſpired to produce a prolongation of the truce beyond the term abovementioned; though it is not known at what time this continuation was concluded. But the period of it had not been long, as is evident from a new treaty of this kind concluded at Coldſtream, in December 1491, to continue five years from the date of its ſigning †.

Dec. 21.

Rym. vol. xii. p. 465.

This treaty of a truce, to continue five years after the date of its ſigning, and the articles whereof are copied in ſeveral ſubſequent ones, is much ſhorter

* Dr. Percy, in his reliques of ancient Engliſh poetry, publiſhes Skelton's epitaph on this earl, written ſoon after his death. Skelton, who commonly ſtyled himſelf Poet Laureat, died in 1529. He repreſents the earl's domeſtics, barons, knights, and eſquires, as deſerting their maſter, and flying, being in concert with the commons. Rel. Eng. Poet. vol. i. p. 110, 111, 112.

† The negociators of this truce were, on the part of Scotland, William biſhop of Aberdeen, William lord of St. John, Alexander Inglis archdeacon of St. Andrews, John Hume of Arſelton, and Patrick Hume of Faſt-caſtle; and, on the part of England, Richard biſhop of St. Aſaph, Sir John Grayſtock lord of Grayſtock, Chriſtopher Urſwick dean of York, John Cartington eſq. and Edward Ratcliff.

than

than thoſe we have before given an account of. Inſtead of the particular articles in theſe for the ſecurity of navigation and commerce, it is here agreed, that the ſhips, ſailors, merchants, and other ſubjects, of either of the princes, in paſſing or repaſſing by land, ſea, or freſh-water, whether in the caſes of their converſing, ſailing, ſuffering ſhipwreck, or ſojourning, ſhould in every reſpect have ſuch treatment and reception, as uſed to be given them in the times of former truces between the kingdoms. Inſtead alſo of the particular regulations in preceding treaties for bringing to juſtice malefactors and truce-breakers, it was agreed in this, that ſuch offenders ſhould be ſeverely puniſhed in the ſame form and manner as had been anciently eſtabliſhed. The *Hot Trodd* was allowed, as in former treaties. It was agreed alſo, that neither prince ſhould give aid or aſſiſtance of any kind to the rebels or enemies of the other; with this addition *, that if any ſuch rebel or adverſary of either king, actually reſiding within the dominions of the other, ſhould commit any treſpaſs to the damage of the territories or ſubjects of that prince firſt named, in that caſe, the prince, in whoſe dominions the offender was guilty, and was afterwards received, ſhould cauſe reparation to be made to his neighbouring prince, in the ſame manner as if the damage had been committed by a ſubject of his own. It was farther agreed, that if any pirates, fugitives, or exiles of either kingdom, after having committed ſpoil or depredation on the goods of any of the ſubjects of the ſame, ſhould put into any port of either of the princes, the prince, whoſe port he entered, ſhould cauſe ſuch perſons to be ſecurely kept, and themſelves and reſetters to be delivered up to the injured party; or elſe cauſe complete reſtitution or redreſs to be made. It was alſo agreed, as in former treaties, that, by particular violations of this truce committed either by ſea or land, the truce itſelf ſhould not be conſidered as broken or annulled, but that ſuch wrongs ſhould be redreſſed according to juſtice: but the inconveniency of allowing particular perſons to redreſs their wrongs at their own diſcretion, and by their own power, had been ſo fully experienced, that it was now eſtabliſhed and concluded, that, if any ſubject of either of the kings who had ſuffered ſpoil or rapine from a ſubject of the other, ſhould on that account by his proper authority make prey, ſpoil, ſeizures, or diſtraints, of perſons or goods, he ſhould, on account of ſuch behaviour, loſe his cauſe, and be farther puniſhed according to the exigency of his offence. This treaty contains alſo an article relating to Berwick, wherein it is agreed, that the town and caſtle, with the bounds and their inhabitants, ſhould be comprehended in the peace and truce now concluded, through its whole duration; ſo that neither the king of Scotland, by himſelf, or any ſubject to him, ſhould commit hoſtilities of whatever nature againſt

James IV. K. of Scotland. 1491.

* "Si de facto aliquis rebellis, hoſtis, vel inimicus unius vel alterius principis, exiſtens vel futurus in regno, terris, vel dominiis alterius, eorundem tempore quo ibidem exiterit, aliquid fecerit per terram, mare, vel aquas, dulces, ad damnum alicujus eorundem vel regrorum, terrarum, dominiorum, vel alicujus ſubditorum ſuorum, tunc ille princeps, in cujus regno, terris, vel dominiis talis rebellis, hoſtis, vel inimicus ſic commiſit, & poſtea receptus fuerit, damnum illud reparari et refarciri faciat, ac ſi proprius ligeus & ſubditus ejuſdem, hujusmodi damnum commiſiſſet aut perpetraſſet."

thoſe

Henry VII. K. of England. 1491.

thoſe places or their inhabitants, or the king of England employ the garriſon, or inhabitants, in any acts of hoſtility againſt the king of Scotland, his vaſſals, or ſubjects. It was alſo agreed, that there ſhould be a mutual abolition and remiſſion of treſpaſſes againſt all former truces, down to the date of the preſent ‡.

A. D. 1492. This treaty was ratified by the Engliſh king, on the 9th of the following month; but the king of Scotland availed himſelf of a proviſo in the end of it, by which either king had liberty to notify his diſapprobation of it, to the lieutenants of the wardens of the eaſt marches, on the 15th of February enſuing, or in eight days thereafter. The court of Scotland was never long free from French influence; and this, in the preſent circumſtances of affairs, muſt have been all employed to alienate James from his neighbour of England *. For the French king, Charles VIII. having lately poſſeſſed himſelf of Bretagne, by marrying the young dutcheſs, who by proxy had been married before to Maximilian the king of the Romans, had the ſtrongeſt reaſon to apprehend the reſentment of Maximilian and his ally Henry. Perhaps alſo ſome of the terms of the treaty were diſagreeable to James; for in one ſoon after concluded for the ſhort term of nine months, commencing from the 20th of February †, the article is omitted, which appoints the ſubſcriptions and ſeals of the prelates and nobles of both kingdoms to be joined to the great ſeals of the kings. And, inſtead of a mutual abolition of claims, for the redreſs of paſt damages, it is agreed, that march-days ſhould be appointed by the wardens, their lieutenants, or deputies, in the uſual places, for the redreſs of wrongs, paſt and future, according to the laws and cuſtoms of the marches. It was alſo judged expedient, that

Ib. p. 473.

‡ This truce was to be proclaimed on all the more remarkable places of the borders, beginning at Coldſtream, on the day of the date of the treaty; and on the Friday thereafter, being the 23d of December, at Norham and Lauder; and ſo continuing, wherever it was needful, and as ſoon as it could be conveniently done, through the eight following days. Certain lords ſpiritual and temporal were to confirm this treaty by their hands and ſeals; and the letters patent, containing it, under the great ſeals of each king, and with the ſeals and ſubſcriptions of the nobles, were to be delivered for the Scottiſh king to Sir William Tyler; and for the Engliſh king to Patrick Hume of Faſt-caſtle. Sir William Tyler has not here any deſignation; but in ſubſequent treaties is called the king's lieutenant, and captain of Berwick upon Tweed. Thoſe who were to ſubſcribe and ſeal the treaty along with the king of England, were the biſhops of Exeter, Ely, and Worceſter; the earls of Derby and Arundel, and the lords Dynham, Audeley, Strange, and Dacres. Thoſe on the part of Scotland, were the biſhops of Aberdeen, Dunkeld, and Galloway, Colin earl of Argyle chancellor of Scotland, Archibald earl of Angus, Patrick earl of Bothwell, and lord Hailles, and the lords Liſle, Oliphant, and Drummond. It was agreed, that three perſons on each ſide ſhould meet in the Auguſt following, in order to inſpect the Fiſh-Garth upon Eſk, and to adjuſt the differences about it; and alſo the bounds of the debatable lands. Lorn in Scotland, and Lundy in England, are ſtill excepted out of this truce.

* That James was not well diſpoſed towards Henry, may, perhaps, be inferred from the latter making a bargain with certain ſubjects of the former in the ſpring of 1491, that theſe ſhould deliver James, and his brother the duke of Roſs, into the hands of the king of England. The project did not take effect; and, perhaps, James diſcovering, or ſuſpecting ſuch under-hand dealings on the part of his neighbouring monarch, was the leſs diſpoſed to cultivate friendſhip with him. Rym. vol. xii. p. 440. Abercromby, vol. ii. p. 496.

† This ſhort truce was negociated by Alexander Inglis archdeacon of St. Andrews, and Chriſtopher Arſwick dean of York, who were two of the commiſſioners employed in negociating the former.

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certain nobles and counſellors of both kingdoms ſhould meet for the ſame effect, at Hadington in Scotland, or Newcaſtle in England, on the firſt day of the enſuing October. This treaty was ratified by James, on the 18th of March; and Henry, that he might not be diſturbed by the king of Scotland in his preparations for an expedition againſt France, was glad to acquieſce in it ‡. James IV. K. of Scotland. 1492.

About ſix weeks before the king of England embarked for France, he appointed plenipotentiaries for renewing or prolonging his truce with Scotland. He had delayed his voyage until October, that the advanced ſeaſon of the year, improper for action, and depriving him of the ſuccours he was to have been furniſhed with from Ferdinand of Spain, might ſerve as an excuſe for his concluding a ſudden peace with the French king; a meaſure which he had fully reſolved on; and it is probable, that the king of Scotland, being acquainted with the pacific views of his neighbours of France and England, agreed the more readily to a prolongation of the truce with the latter; the treaty of which was ſigned at Coldſtream *, on the very ſame day that the treaty of peace between France and England was ſigned at Eſtaples. This truce was to continue until the laſt of April 1494; and the tenour thereof, in articles of a general nature, and in the article relating to Berwick, is the ſame with that of the two preceding. The commiſſioners, as was uſual, were not only charged with negociating a new truce, but with treating of the reparation of mutual wrongs. But on this head ſuch difficulties had ariſen, with regard to injuries committed by water, that, after ſeveral diets, and long altercations, they could come to no certain concluſion. It was therefore agreed, that new commiſſioners ſhould be appointed by each king to meet at Haddington and Berwick, on the firſt day of Auguſt next enſuing, in order to a diſcuſſion of all ſuch matters, and a complete reſtitution of all things that, on either ſide, had been unjuſtly ſeized or detained †. Auguſt 22. Rym. ib. p. 495.

One principal reaſon of Henry's concluding ſo quickly a peace with France, was the appearance of a new pretender to his crown, which the buſy and implacable reſentment of Margaret of Burgundy had lately raiſed up. This was the famed impoſtor Perkin Warbeck; who, having firſt ſhewn himſelf in Ireland, under the name and character of Richard duke of York, ſecond ſon of Edward

‡ Proclamation was to be made of this truce, beginning at Coldſtream, afterwards at Norham and Lauder; and in other places needful, as ſoon as might be in the eight following days.

Carte ſays, That in an Engliſh parliament, which met October 27, 1491, and in its laſt ſeſſion, which continued from January 26th, to March 5th in 1492, an act paſſed, baniſhing all Scotchmen out of England; which was occaſioned by the Scots having lately renewed their old alliance with France, for which laſt fact he quotes Du Tillet as his authority. Carte, vol. ii. p. 835.

* This place, both in this treaty, and in that of the 21ſt of December in the preceding year, is called *Caldſtreme upon Tweed.*

† The Scotch commiſſioners for negociating this truce, were William biſhop of Aberdeen, William lord of St. John, Alexander Inglis archdeacon of St. Andrews, Patrick Hume of Faſt-caſtle, and William Ker of Ceſsford. Thoſe from England, were Richard biſhop of St. Aſaph, John lord of Grayſtock knight, and John Cartington eſq. Ratifications of this treaty were to be exchanged before the 20th of February; and that of the king of Scotland was to be delivered to Sir William Tyler, or any other commanding at Berwick.

Henry VII. K. of England. 1492. IV. and the alone rightful heir of the crown of England, was, in the beginning of the late war between France and England, invited over to Paris by Charles VIII. the French king, and there received and treated with all the honours due to the name and rank he aſſumed. The peace with England obliging him to abandon the French court, he retired to that of Flanders; where Margaret pretending, after the moſt careful ſcrutiny, to be fully ſatisfied that he was the real Richard, careſſed him as her nephew, appointed him a guard, and heaped upon him every mark of affection and eſteem. Many of Henry's ſecret enemies, and of the devoted friends of the houſe of York, either entered into correſpondence with him, or paſſed over to Flanders, and joined him openly. Among the other means, which Henry diligently employed to ſtop the progreſs of this miſchief, he was careful to ſhut againſt it the door of Scotland.

A. D. 1493. May 28. Rym. ib. p. 552. With this view he ſent ambaſſadors to Edinburgh *, to treat of peace, or a prolongation of the preſent truce. They had it alſo in their commiſſion, to attempt the cementing of a firmer friendſhip, by negociating a marriage between the king of Scotland, and a couſin of Henry, Catherine, daughter to Eleanor counteſs of Wiltſhire, who was the daughter of Edmond duke of Somerſet, the king's uncle. It would ſeem, that the propoſal of this match, from its not being mentioned in the commiſſion given to thoſe employed by the king of Scotland to treat with the Engliſh ambaſſadors, was not agreeable to

Ib. p. 534. that monarch. A truce, however, was concluded for ſeven years, to be reckoned from the expiration of the late truce of Coldſtream; that is, from the laſt day of April, in the year 1494. The general heads of this treaty differed not from thoſe of the three preceding; but an article was now added, relating to the reparation of wrongs committed on the ſea, or freſh water, which had not been ſettled by the negociations of the late truce. Henry, though extremely covetous, was not ſparing of his money, when any great intereſt required the expending it; and his commiſſioners, certainly not without the inſtructions of their maſter, ſeem to have bought this truce with Scotland; by acknowledging, that the wrongs committed on the ſea and freſh waters by their countrymen, againſt the ſubjects of Scotland, did exceed, by a great ſum, the amount of damages of that kind, done by the Scots to the ſubjects of England; and by agreeing, that the king of England ſhould cauſe payment to be made before the laſt of July next enſuing, of the ſum of 1000 merks ſterling, to the king of Scotland, or any empowered by him to receive it, at the tower and place of Wedderburn in the Mers. It was agreed, that the claims of the king of Scotland being by this payment fully contented, there ſhould be a mutual abolition and remiſſion of all injuries, committed by water, down to the day of ſigning the treaty; and that an abolition of the ſame nature, of damages

* Theſe ambaſſadors were, Richard biſhop of St. Aſaph, Sir William Tyler, Henry Eyneſworth doctor of laws, and John Cartington, eſq. Thoſe commiſſioned by the king of Scotland, to treat with him, were, Sir John Roſs of Montgrenan, Mr. John Freſale dean of the king's chapel of Reſtalrig, and clerk of his rolls, regiſter, and council, and Richard Lawſon, clerk of the court of juſticiary. It is ſtrange, that in a commiſſion given, 23d April, before by the king of England, to certain perſons, to negociate a peace or truce with Scotland, it ſhould be ſaid, that the truce then ſubſiſting was only to continue to the 5th of the enſuing October incluſive. Rym. vol. xii. p. 525.

committed

committed by land, ſhould extend to the 24th day of November, in the preceding year. This treaty was quickly ratified by the king of England, and afterwards by the king of Scotland; and Henry, in fulfilment of it, tranſmitted the 1000 merks to Wedderburn; which were there received, and diſcharged on the laſt of July, by perſons properly empowered by the Scottiſh kings *.

James IV. K. of Scotland. 1493.

Ib. p. 547, 548.

In the following year Henry authoriſed Richard Fox, whom he had lately promoted to the ſee of Durham, and who was much truſted and employed by him, together with four others †, to meet at Coldſtream, or any other convenient place, with commiſſioners from the Scottiſh king, in order, if poſſible, to conclude a perpetual peace, or longer truce between the kingdoms, and to ſettle the reparations due for mutual damages. A numerous train of ambaſſadors was alſo ſent this ſummer by the king of Scotland to the Engliſh court. But in Spring 1495, Henry apprehending an invaſion of adverſaries, both from Scotland and foreign parts, upon the north of England; in order to oppoſe it, gave a commiſſion to Thomas earl of Surrey, vice-warden of the weſt and middle marches, under Henry duke of York, the king's infant ſon, to array and command all able-bodied and fencible men between the Tweed and the Trent. The like commiſſion was given to Richard biſhop of Durham for the county of Northumberland, biſhoprick of Durham, and the king's dominions of Tindale and Redeſdale, together with the marches and places adjacent to the diſtricts before-named: and, two months after, Henry duke of York, the king's ſecond ſon, was conſtituted warden general of all the marches; and having, on account of his tender age, aſſigned, as deputies and commiſſioners under him, for the king and himſelf, with powers to diſcharge every thing pertaining to the office of wardenſhip, Richard biſhop of Durham, keeper of the privy ſeal, Sir William Tyler ‡, captain of Berwick, John Heron of Ford, John Cartington, and —— Radcliff. Thomas earl of Surrey is mentioned in this commiſſion as vice-warden of the marches, under the king and his ſon Henry; and was in this quality, by himſelf or deputy, making

A. D. 1494. May 22.

June 15. Rym. vol. xii. p. 554, 555.

March 22. A. D. 1495. Ib. p. 568.

Rym. vol. xii. p. 569.

* The publication of this truce was to be made in eight days after the date of the preſent treaty, in all places of note near the marches; beginning from Edinburgh in Scotland, and Newcaſtle in England: and the ratifications were to be delivered before the laſt of July, for the king of Scotland, to Sir William Tyler at Berwick; and for the king of England, to George Hume at Wetherburn.

Thoſe commiſſioned by the king of England to carry this ſum to Wetherburn, were Geoffrey Ellis, one of his chaplains, John Carre, porter of Berwick, and William Herrigate, one of the accomptants of the king's exchequer. They were charged, beſides this 1000 merks for indemnification of wrongs done by the king's ſubjects to thoſe of Scotland, to deliver 50 l. to the king of Scotland, or his deputies, in the king's own name, and to receive diſcharges for both theſe ſums. The perſons deputed by the king of Scotland, to receive the ſum agreed by the treaty, were Henry abbot of Cambuſkenneth, John Freſdale, before-mentioned, and George Hume of Wetherburn. Their commiſſion, and a diſcharge for the 1000 merks, in the name of the king, are both dated at Haddington, on the laſt of July. But no diſcharge appears for the douceur of 50 l. Rym. tom. xii. p. 545. 547, 548.

† Theſe were, Sir Thomas Dacre, deputy warden of the weſt marches, under Henry duke of York the king's ſecond ſon, Sir William Tyler captain of the town and caſtle of Berwick, Chriſtopher Moreſby, and John Cartington.

‡ In Perkin Warbeck's manifeſto, publiſhed on his entering Northumberland with the Scottiſh army, Tyler is mentioned as one of the low ſet employed and truſted by Henry.

Henry VII. K. of England. 1495.

ordinances, and concluding terms of agreement with commiſſioners from the king of Scotland; which eſtabliſhments the deputies above-mentioned were impowered to enforce, by puniſhing thoſe that tranſgreſſed them. But the apprehenſion of an invaſion from Scotland is particularly manifeſt, from the powers given to theſe deputies, to eſtabliſh and employ watches and ſcouts to give warning of the hoſtile incurſions of adverſaries from that ſide; the expence of which ſervice was to be defrayed by the king's lieges in thoſe parts, by a voluntary aſſeſſment of ſuch reaſonable ſums as had been uſual on the like occaſions. The ſame deputies were alſo impowered and commiſſioned to arm and array all ſenſible men on the marches, between the ages of ſixteen and ſixty; and particularly thoſe of the county of Northumberland and other places, wherein the deceaſed Sir Henry Percy, formerly warden of thoſe marches, had exerciſed this power; and to lead theſe forces to the defence of the kingdom and marches, and to the reſcue, defence, and ſafe-keeping, of the town and caſtle of Berwick, whenever this ſhould become neceſſary. Perkin Warbeck, through difficulties, chiefly thrown in his way by the king of England, had remained in Flanders until he had become a diſagreeable gueſt in that country. The Flemings were provoked at the loſs of their profitable commerce with England; which Henry had forbidden, on account of the protection given at the court of the young duke of Burgundy, then ſovereign of Flanders, to an open pretender to the Engliſh crown. And, in the mean time, Perkin's cauſe had become almoſt deſperate in England, by the loſs of ſome of his principal friends, whom Henry had put to death; and by the fear and general diſtruſt which theſe examples, and other arts of the king, had diffuſed among the reſt. Unwilling, however, totally to abandon his pretenſions and hopes, he reſolved to attempt a deſcent on England, accompanied by a band conſiſting chiefly of foreign adventurers, allured by the hopes of booty, or retained by the great wealth of Margaret dutcheſs dowager of Burgundy. But this deſcent which Henry ſeems to have apprehended in the northern parts, was, in the month of July, attempted without ſucceſs on the coaſt of Kent. A ſmall number that ventured to go on ſhore, from Perkin's fleet, were ſeized by the people of the country; and, by order of the king, were almoſt all hung up on gibbets along the Engliſh coaſt, oppoſite to the Netherlands. Perkin ſailed next to Ireland; where his expectations were alſo fruſtrated by the wiſe precautions the king had employed to conciliate the affections of the people of that country, and to draw off, from the ſide of Perkin, the great earl of Deſmond, who had been formerly one of his moſt zealous partiſans.

A. D. 1496.

Thus diſappointed in England and Ireland, Perkin and his companions ſailed to Scotland, which they found a more hoſpitable climate. Henry had been endeavouring to ſecure the friendſhip of the king of Scots, by offering to him, in the preceding ſummer, his daughter Margaret in marriage *; and the ſame

Rym. ib. p. 572. 635, 636.

* Richard biſhop of Durham, William of Carliſle, Thomas earl of Surrey, Ralph Neville lord Neville, Sir Thomas Dacre of Dacre, lieutenant of the weſt marches, and Sir William Tyler lieutenant of Berwick, had powers given them, on 23d June 1495, to negociate this marriage, and ſettle all its conditions. The ſame commiſſion was renewed to the ſame perſons, on the 2d of September

ſame offers were renewed this year, after Perkin was actually received and entertained at the Scottiſh court. But the recommendations of the dutcheſs of Burgundy, accompanied, as ſome relate, by thoſe of Charles VIII. of France, and of the emperor Maximilian, were of greater weight than all the inſtances and offers of the Engliſh monarch. The perſon and addreſs of the young adventurer were alſo remarkably engaging; and joined to his pathetic relation of his diſtreſſes and perſecutions, made a deep impreſſion on the heart of a prince illuſtrious for bravery and humanity. The perſuaſion, indeed, appears, at that time, to have been very univerſal, that Perkin was actually Richard duke of York; and James gave a ſtrong evidence of his believing it, by giving him in marriage the lady Catherine Gordon, daughter to the earl of Huntly, a couſin of his own; and a woman of extraordinary beauty and virtue. His council, however, were divided in their opinions, about giving him the aid he ſupplicated, in order to his entering England, and aſcending the throne of that kingdom; but French counſels, and the ancient proneneſs to a war with England prevailing, a numerous army was raiſed; at the head of which the king himſelf, with the pretended duke of York, entered Northumberland. A ſpecious proclamation was emitted by the latter, aſſerting his claims, recounting his ſufferings, reviling the king in poſſeſſion; and promiſing halcyon days of good government to his beloved ſubjects, when, by their faithful ſervices, he ſhould be raiſed to the throne of his anceſtors. But Perkin's coming with an army of Scots into England, and particularly into thoſe parts of it, where the national ſpight was keeneſt, was a circumſtance very unfavourable to his cauſe; and this, joined to the examples of ſeverity that Henry had made, and the induſtry he employed to convince his people, that his rival was an impoſtor, had ſuch influence, that it does not appear that a ſingle Engliſhman of conſequence came to join Perkin. The Scots, after ſome delay, perceiving that this was the caſe, converted their expedition into a plundering inroad; and after having ravaged all Northumberland, returned home with their ſpoils, upon hearing that a body of Engliſh forces was approaching towards them. It is related, that Perkin profeſſing the tenderneſs of a ſovereign for his natural ſubjects, endeavoured, by his interceſſions with James, to put a ſtop to the rapine of the Scots; upon which the king beginning, by this time, to ſuſpect the impoſture, told him, that he was too ſolicitous about what he doubted was none of his own; and that it would be acting the part of too good a ſteward for his enemy, to ſave the country for his uſe.

James IV. K. of Scotland. 1496.

In the following winter Henry obtained from his parliament a ſubſidy of 120,000 l. for defraying the expence of the war with Scotland; a greater ſum than ever had been granted for the like purpoſe. As it was not to be levied, unleſs the king himſelf or his lieutenant ſhould march at the head of an army, the king immediately ſent the lord Dawbeny northwards, with a conſiderable body of forces. But he was ſoon obliged to recal him, by an inſurrection in Cornwall, which was occaſioned by the heavy tax lately impoſed for raiſing the ſum juſt

A. D. 1497.

tember in the following year. In each of theſe commiſſions, any two had a power to act, whereof the biſhop of Durham was to be one; and a commiſſion was alſo given to the biſhop alone, of the ſame date with the latter.

Henry VII. K. of England. 1497.

mentioned; the tinners being eaſily perſuaded by ſome incendiaries, that it was moſt unreaſonable that they, who inhabited the remoteſt corner of the kingdom, ſhould bear any ſhare of the burden of repelling a Scottiſh invaſion. As the ſummer was well advanced before the defeat given to theſe rebels at Blackheath, the king of Scotland ſeized the favourable opportunity of entering the Engliſh border. He employed part of his forces in ravaging the country; and with the remainder he laid ſiege in perſon to the caſtle of Norham. But Fox, the biſhop of Durham, had taken care to put that fortreſs into a good ſtate of defence, and to furniſh it with a ſtout garriſon. He even came himſelf to the place, and made ſo vigorous a reſiſtance, as fruſtrated the utmoſt efforts of the Scottiſh king to reduce it; although it ſuffered conſiderably in the attack. Fox had taken the ſame care to ſecure the other ſtrong places of the country, and either to ſhut up in *them*, or to remove to natural faſtneſſes, the cattle and moſt valuable effects of the inhabitants; ſo that the Scots had not much more ſucceſs in their marauding, than in their ſiege.

Buchanan.

Holingſ. p. 289.

In theſe circumſtances the Scottiſh king, having alſo received intelligence of the ſuppreſſion of the Corniſh rebellion, and of the approach of the earl of Surrey with the forces of the northern counties, thought proper to lead back his army into his own kingdom. Surrey ſoon followed, and having entered Scotland with a very conſiderable army *, took the ſmall caſtle of Ayton; but a negociation for peace being immediately ſet on foot, put a ſtop to his farther progreſs †.

July 4. Rym. vol. xii. p. 677.

The king of England was ſo intent on his favourite object of peace, that, about the very time his army was entering Scotland, he gave a commiſſion to the biſhop of Durham, William Waſham maſter of the rolls, and John Cartington, to negociate and conclude an accommodation with the Scottiſh king. To open an intercourſe, and act as mediator betwixt himſelf and James, Henry employed Peter d' Ayala ‡, a Spaniſh clergyman, who was at that time ambaſſador at his court from Ferdinand and Iſabella of Spain. D'Ayala was a man of abilities, and entered with zeal and addreſs into this work; which was probably a part of his commiſſion from his ſovereigns. For Ferdinand, the moſt political prince of his age, although he had concluded a treaty of marriage between Arthur prince of Wales, and his daughter Catharine, could never ſeriouſly think of accompliſhing it, while a pretender to Henry's crown was entertained and ſupported by the king of Scotland. James however reſiſted all the offers and ſolicitations that were employed to engage him to deliver up Perkin into the hands of Henry; but, judging his cauſe deſperate, and perhaps at laſt perſuaded that he was an impoſtor, he diſmiſſed, in ſafety, himſelf, his wife, and attendants, and furniſhed them with ſhips to carry them over to Ireland. This obſtacle being removed, James nominated commiſſioners to treat with thoſe from the king of England; and D'Ayala acting as mediator in the treaty, a truce was concluded for ſeven years, commencing

Sept. 17. Rym. vol. xii. p. 673.

* Stowe ſeems to ſay, that this army entered Scotland in July. Stowe, p. 479.

† Some writers aſcribe his retiring ſo ſoon to ſtormy weather. Drummond, Bacon.

‡ He is ſtyled Apoſtolick Protonotary.

from the 30th of September; the indentures whereof were on that day subscribed in the parish church of Ayton. James IV. K. of Scotland. 1497.

The principal articles of this treaty were the same with those of the short treaties concluded since 1491; but in some particulars it was more explicit, and some things in it were new. The mutual protection to be given to those sailing and trading by sea, which, in the treaties just referred to, is agreed to be the same that was usual in the times of former truces, was by this, ordained to be the same with that which was agreed in the truce of 1464, between Edward IV. and James III. The article also concerning the punishment of the violators of the truce was rendered more explicit, in cases where the guilt was of the more heinous or notorious kinds. Manifest and notorious murderers were ordained to be committed to prison by the wardens, and to be there detained for twenty days immediately following the day in which the crime was perpetrated; and if, within that time, the murderers or their friends should not have made an agreement and final composition for the death of the person slain, with those who were nearest to that person in blood, the wardens should, in that case, on the expiration of the above-said period, put the criminal to death. In like manner, infamous thieves, robbers, or other malefactors, *catched* with the goods they had stolen, or apprehended in the act of mischief, or with other recent evidences of their crimes, were, without farther trial, appointed to be punished capitally, by order of the wardens of the marches where such crimes were committed; whether they were laid hold on in the kingdom where the fact was done, or in either of the kingdoms; provided always the pursuit of such malefactors had been recent. Other violators of the truce were appointed to be severely punished, according to ancient custom. As to criminals who fled for shelter, or in hope of aid from the one kingdom to the other, the article concerning them, in this treaty, bore, that all traitors, rebels, murderers, thieves, infamous robbers, or other malefactors, in such circumstances, should not be entertained in the dominions of either of the princes; but in twenty days after authentic information given concerning the characters of such persons, by letters of the king from whose dominions they had fled, or of his warden of the marches, or the lieutenant of the latter, the other king should either deliver them up, or banish them for ever. And it was farther agreed, with a view, no doubt, to Perkin, that neither of the kings should give counsel, aid, or favour, to any of the notorious rebels or enemies whatsoever of the other; but with a salvo of such safe-conducts as either of the kings had already granted; which, notwithstanding of this article, were to continue in full force. It is probable, that some of Perkin's followers, in order to secure themselves from the consequences of their rebellion, now that their cause began to appear desperate, had become lieges to the Scottish king; for, in the article which this treaty hath in common with several preceding ones, whereby those who had thus transferred their allegiance, were bound to the same observation of the truce, as if they had been originally subjects of the king to whom they had transferred it, the fugitives from England, who had become lieges of the king of Scotland are first mentioned, and the regulation particularly applied to them; and then the same is declared to extend in like manner

Above, p. 460, 461.

Above, p. 453.

Henry VII. K. of England. 1497.

manner to fugitives from Scotland into England; wherein there is an inverſion of the order obſerved in all the preceding treaties, where this article had place. In the treaties ſince 1491 incluſive, there had been no particular appointment of conſervators of the ſeveral truces; and it is reaſonable to ſuppoſe, that the wardens, admirals, and other ordinary officers under them, were conſidered as inveſted with this charge, agreeably to what was expreſſed in the treaty of 1486. But, in the treaty now before us, there is not only a liſt of conſervators nominated and deputed by each king ‡, but their charge is more particularly declared than in any preceding treaty; and this material alteration is made, that inſtead of one, as in former treaties, two were now made neceſſary to diſcharge the duty of their office. Theſe conſervators or deputies, on either ſide, had full power and unlimited juriſdiction to order and compel the reparation and redreſs of all ſorts of injuries and wrongs, paſt or future, committed either by the captains or lieutenants of the marches, or their deputies, or by the ſubjects of either kingdom, contrary to the tenour of the preſent truce. They had likewiſe power to fine and puniſh the captains, lieutenants, and their deputies, aforeſaid; and alſo to impriſon and puniſh, capitally, all manner of malefactors, according to the exigency of the caſe and crimes committed: and theſe conſervators, or two of them, when commanded or required by the aforeſaid princes, or either of them, or by the wardens of the marches, or their lieutenants, were appointed, without delay, to repair to thoſe places, where the redreſs ſought after might be moſt conveniently ordered or made.

Above, p. 454.

There was an article in this treaty, by which certain matters ſtill in diſpute between the kings, and which could not be ſettled by their commiſſioners, were referred to the determination of the king and queen of Spain. The hiſtorians of thoſe tranſactions relate, that the Engliſh commiſſioners ſtrenuouſly inſiſted on redreſs for the waſte and rapine committed by the Scottiſh army on the county of Northumberland; as having been done in manifeſt breach of the late truce. The Scottiſh commiſſioners were equally poſitive, on their part, that ſuch reparation was utterly impracticable; and even endeavoured to throw the blame of the violation of the truce on the Engliſh. D'Ayala had the addreſs to procure a ſubmiſſion of this difference to his king and queen *. He had alſo obtained from them the character of ambaſſador to the king of Scotland; and theſe latter gained ſo entirely the confidence of that monarch, that he was appointed by him his ſole commiſſioner, to negociate and conclude, with any having powers from the king of England, a prolongation

Bacon, Drummond.

Rym. vol. xii. p. 679.

‡ The Engliſh commiſſioners were, Richard biſhop of Durham, William biſhop of Carliſle, Richard lord of Neville, knight; John baron of Grayſtock, Sir Chriſtopher Moreſby, and John Cartington. Thoſe of Scotland, William biſhop of Aberdeen, George of Whithern, William lord Borthwick, George lord Seton, Sir Patrick Hume of Faſt-caſtle, and Maſter Richard Lawſon.

* The inſtrument of ſubmiſſion made by Henry (Rymer, vol. xii. p. 671.) bears, that what the king agreed to ſubmit to the arbitration and judgment of the king and queen of Spain was, the *cognizance and cauſe of the violation, breach, and diſſolution, of the laſt truce between himſelf and the king of Scotland.*

of

of the late truce, and to act as an arbiter, for settling as many as he could of those points in dispute between him and the king of England, which had been agreed to be remitted to the king and queen of Spain; still reserving any that remained undecided to the arbitration of these princes. How the other matters in question were settled doth not appear; but the king of England, having empowered Warham keeper of his rolls, to negociate with D'Ayala the prolongation of the late truce, it was accordingly, in its whole tenour, prorogued by these commissioners to the joint lives of the kings, and a year after the death of the survivor †.

James IV. K. of Scotland. 1497.

Dec. 5.

In the summer of the year 1499, the English king sent Mr. Robert Rydon, clerk of his council and vice-admiral, in the character of his ambassador and plenipotentiary into Scotland; with whom the Scottish king authorised Andrew Forman, apostolic protonotary and prior of May, and Mr. Richard Lawson clerk of his justiciary court, to treat, concerning the amendment of certain articles in the late truce, or the addition of such new articles or clauses as appeared necessary. The ordinary powers were also given on each side, to renew the whole treaty. Accordingly a new treaty was concluded for the same period as the former: and from the tenour of this treaty it sufficiently appears, what articles in the preceding were thought to require alteration. In the first place, that relating to rebels or traitors against either of the princes, was rendered more express and severe than before; and this change would the more easily be consented to by the king of Scots, as Perkin Warbeck was a close prisoner in the hands of the king of England. It was now agreed, that rebels or traitors against any one of the princes should not be received into the dominions of the other; and, in case of their flying thither, should, in twenty days after requisition made by letters, be delivered up to the bearer of these letters, or to such other as should in the letters be named and deputed for that purpose. As to murderers, thieves, robbers, deserters, or other malefactors, who should fly from the one kingdom to the other, all shelter, favour, counsel, or aid, was in like manner to be denied them in the kingdom to which they had fled; and they were to be delivered up, in ten days after requisition made by letters from their natural sovereign, or from his wardens, lieutenants, or their deputies, either to the bearer of such letters, or to any other person named and deputed in the letters for that effect. The next article of this truce declares, that all letters of safe-conduct heretofore granted by one of the princes to the rebels of the other, or to any of his subjects, for any limited time, or for term of life, should, from the day of signing the present treaty, be revoked and annulled; and that no such safe-conducts should, during the period of the present truce, be granted by either of the princes to any rebels or any subject whatsoever of the other prince, unless in consequence of a written requisition of the latter; which requisition the prince to whom it was addressed should be at entire liberty either to grant or reject, as to himself should appear expedient; and that, in no case, such letters of safe-conduct should be granted to continue longer in force than for one year. A change was also made in the article relating to the punishment

A. D. 1499.

July 12. Rym. vol. xiij. p. 722.

† This truce was ratified by James at St. Andrews, 5th February, 1498.

of

Henry VII. K. of England. 1499.

of murderers; which, by this treaty, was, during the continuance of the preſent truce, to be in the manner following. If any of the ſubjects of the kingdom of England ſhould hereafter violently put to death any of the ſubjects of the Scottiſh kingdom, within the marches of England, or the limits of the marches of Scotland, the warden of the Engliſh marches, his deputy or deputies, ſhould, with all poſſible diligence, purſue the guilty perſons; and when apprehended, ſhould carry them to a diet, to be appointed by the wardens of each march, or their deputies; at which the criminals, being lawfully convicted, according to the laws of the marches, ſhould be delivered up by the Engliſh warden to the Scottiſh; and, by authority of the latter, ſhould ſuffer capital puniſhment: and, in the ſame manner, making the reſpective variations, were thoſe ſubjects of Scotland to be treated, who, within the marches of Scotland, or the bounds of the marches of England, ſhould commit murder on any Engliſh ſubject. There is an appointment of conſervators in this truce ‡, and the ſame powers given them as in the former; and the other articles of the treaty agree with thoſe of the five preceding.

July 20. Buchan. l. 13. p. 246, 247. Leſl. p. 323. Holingſh. E. C. 785. Drumm. p. 68.

This treaty was drawn up and ſigned by the plenipotentiaries of the two kings, in the caſtle of Stirling; and, at the ſame place, was ratified by the king of Scotland, eight days after. But an unhappy accident, which, probably, fell out about this time, had almoſt broke the peace which ſeemed now to be ſo firmly eſtabliſhed. The intercourſe between the kingdoms being open and ſecure, certain young men from the Scottiſh border had gone to viſit their acquaintances at Norham. But having diſcovered too much curioſity in obſerving the caſtle, a quarrel aroſe between them and the keepers, which, from angry words, proceeded to a rencounter; wherein ſome of the Scots were wounded and ſlain, and the reſt obliged to fly for their lives. Complaints inſtantly were made of this outrage to the Engliſh wardens; but the expected redreſs being by them, on ſome pretence, delayed, the Scottiſh king ſent one of his heralds * to the king of England, to demand ſatisfaction; or, if this ſhould be refuſed, to denounce war. Henry's return to this meſſage was full of condeſcenſion and equity. He declared, that, as what had happened was without his knowledge or orders, he would inſtantly order the matter to be inquired into, and the ſoldiers of the garriſon to be puniſhed, according to their demerits. Fox biſhop of Durham was an excellent ſecond to his maſter in words and meaſures that tended to peace. And as in the preſent caſe the offence had ariſen from the biſhop's caſtle, he thought himſelf bound to exert himſelf the more, in putting a ſtop to its miſchievous conſequences. He wrote, therefore, letters to James in ſo conciliating and perſuaſive a ſtrain, that the monarch requeſted a perſonal interview with him, that, by an amicable conference, they might try to terminate the ſtrife. The biſhop having obtained the permiſſion of his own ſovereign, paſſed over to the Scottiſh king at Melroſe; where the latter having firſt expreſſed, in terms ſufficiently ſevere,

‡ The liſts of conſervators are alſo the ſame on both ſides as in the laſt truce; only the lord Neville is omitted in that of England.

* Marchmont Herald.

his

his reſentment at what had paſſed at Norham, did afterwards open to the biſhop, his project and deſire of eſtabliſhing a ſure and perpetual peace between the kingdoms, by obtaining from Henry his eldeſt daughter in marriage, agreeably to what had been propoſed four years before. In order to the accompliſhment of this good work, James entreated the interceſſion of the biſhop with his maſter, which the biſhop very cheerfully conſented to employ. Nothing could be more agreeable to Henry than this propoſal; and immediately after ratifying the late truce *, he gave full powers to the biſhop to negociate with the Scottiſh king, or any deputed by him, all the conditions of the projected alliance. As the truce concluded at Stirling was not ratified by the king of England, until ſeven weeks after it had been ratified in Scotland, it is moſt probable, that the diſturbance at Norham had happened in the interval, and been the occaſion of this delay †.

James IV. K. of Scotland. 1499.

Sept. 11. Rym. vol. xii. p. 729.

The great negociation for the near relation of the two monarchs, and a perpetual peace between the kingdoms, which was begun at the time and with the circumſtances juſt related, was not brought to a period till near two years after. In ſummer 1500, a diſpenſation was obtained from Pope Alexander VI. on the requeſt of the Engliſh king, for concluding his daughter's marriage; notwithſtanding her age, which was then about ten years and ſix months, and her relation to the king of Scotland, which was in the fourth degree of conſanguinity. In the year following, Robert Blakater ‡ archbiſhop of Glaſgow, Patrick earl of Bothwell, great admiral of Scotland and warden of the weſt marches, and Andrew Forman, poſtulate of the cathedral church of Murray §, were ſent ambaſſadors to the court of England, with full powers to negociate and conclude the projected treaties of marriage and peace. The perſons commiſſioned by the king of England to treat with them were, Henry archbiſhop of Canterbury ‖ keeper of the great ſeal, Richard biſhop of Wincheſter keeper of the privy ſeal, and Thomas earl of Surrey treaſurer of England. In the beginning of the following year, theſe commiſſioners completed their work, by drawing up and ſigning three different inſtruments; the firſt, containing the ſtipulation and conditions of the marriage; the ſecond, the articles of a per-

Rym. ib. 765.

A. D. 1501.

A. D. 1502. Jan. 24. Rym. vol. xii. p. 787,—804.

* This truce was ratified by Henry at Wincheſter, September 8, as appears from the original treaty in the Scottiſh archives quoted by Abercromby, vol. ii. p. 508.

† This is the conjecture of Abercromby; who is not correct in his account of ſome other circumſtances of theſe tranſactions. Aberc. vol. ii. p. 508.

‡ Blakater was the firſt archbiſhop of that ſee, by a bull of Pope Innocent VIII. A. D. 1491. He built the vaulted iſle of the church of Ederham. Leſly, who extols his piety, relates, that he died on a pilgrimage to viſit the holy places at Jeruſalem, on which pilgrimage he ſet out in ſummer 1508. Leſly, p. 349. He died the 28th of July. Keith's Sc. Brit. p. 151.

§ So is Forman entitled in the commiſſion dated 8th of October, (Rym. vol. xii. p. 777.) In a ſafe-conduct granted to him and his two colleagues by the king of England on the 9th of May, he is called Apoſtolic protonotary and prior of May. (See above p. 471.) The duke of Albany, governor of Scotland, celebrating in a letter to Pope Leo X. the merits of Andrew Forman, has probably his ſervice in this great affair in view, when he ſays of him, *Superioribus annis regni hujus legationes feliciter explevit, ferrum e manibus excuſſit, Britanniæ regis concordes e mediis armis junxit.* Epp. R. S. p. 217, 218.

‖ Henry Dean, who had lately ſucceeded Morton, who died in the preceding October. Richard Fox, the ſame who was formerly biſhop of Durham, had alſo lately ſucceeded Thomas Langton in the biſhoprick of Wincheſter. Stowe, p. 482.

Henry VII. K. of England. 1502.

petual peace; and the third, regulations for the redreſs of mutual wrongs. By the firſt of theſe it was agreed, that the marriage ſhould, before the feaſt of Candlemas next enſuing, be contracted between the king of England or his proxy, and Margaret, who had only completed her twelfth year on the 29th day of the preceding November. On account of this defect of age, the king of Scotland was not to require her to be delivered to him ſooner than the firſt of September of the following year; but the king of England at the ſame time obliged himſelf, that before that day ſhe ſhould be conducted into Scotland, and delivered to her huſband, or any empowered by him to receive her, at the kirk of Lamberton, or ſome other place on the eaſt marches, in order to the ſolemnization and conſummation of the marriage. The queen's jointure was to be 2000 l. ſterling, at that time equivalent to 6000 l. Scots; and the writings conveying and ſecuring this, were to be delivered at Berwick to her father, or ſuch as he ſhould empower to receive them, before the firſt of July in the year laſt mentioned. Her dowry was 30,000 nobles of gold, or 10,000 l. ſterling, to be paid in three equal portions; the firſt payment to be made at Edinburgh, at the time of ſolemnizing the marriage; the ſecond, a twelvemonth after at Coldingham; and the third at the ſame place, in the end of the year immediately ſucceeding; and in each of the two laſt mentioned payments, the king of Scotland was engaged, at his own riſk, to ſecure the conveyance of the money, by thoſe employed by Henry for that purpoſe, in their paſſage from Berwick to Coldingham. In the treaty of peace, it was in the firſt place declared, that it ſhould be perpetual. Then follow the articles concerning rebels, traitors, and deſerters, flying from the one kingdom, and ſeeking refuge in the other; which, though expreſſed with greater pomp and multiplicity of words, are in ſubſtance the ſame as in the truce laſt concluded. In caſe of war made on either of the princes by foreign or domeſtic enemies, it was agreed, that the other ſhould ſend to his aid ſuch forces in number and quality as the prince attacked ſhould require, to be maintained at the expence of the prince who demanded them, and to receive from him the wages uſually paid them by their own ſovereign. With regard to the town and caſtle of Berwick, it was agreed and concluded *, "That theſe, with their ancient "bounds and the inhabitants thereof, ſhould for ever remain and be included "in the preſent perpetual peace, friendſhip, league, and confederacy; ſo "that neither the king of Scotland, his heirs or ſucceſſors, nor any of them "ſhould, by themſelves, or any of their ſubjects, lieges, or vaſſals, make or "ſuffer to be made, war, inſult, ambuſh, or ſiege, publickly or privately, "againſt the places themſelves or their inhabitants; nor the king of England, "his heirs, ſucceſſors, or any of them, ſhould, by themſelves, or the inhabi-"tants of the town and caſtle, make any war, inſult, or ſiege, on the king of "Scotland or his vaſſals." It was agreed, that the allies of each prince, agreeably to a liſt inſerted in the treaty, ſhould be comprehended in

* This article relating to Berwick, is of a very different contexture from the reſignation of it made by Edward Baliol to Edward III.

it;

James IV. K. of Scotland. 1502.

it *; if in eight months after its date, they gave authentic notice that they desired to be thus comprehended. And with regard to these allies, it was agreed, that in case either of the princes should engage in a war against the ally of the other, the prince whose ally was attacked, should not on that account hostilely invade his neighbour's dominions; but that it should be lawful for him to afford to his own ally, succour and aid merely of a defensive nature; the peace nevertheless remaining firm and inviolate. It was farther agreed, with regard to this peace, as it hath been with regard to the truces preceding it, that it should not be broken nor annulled by trespasses or wrongs, committed against it by individuals of either nation, but that all such injuries should be redressed; and when, upon due requisition made, reparation was not ordered by the wardens of the marches or their lieutenants; then the prince, whose subject complained of suffering wrong, should require of the other that justice should be ministered, and damages repaired. When this was refused, a method was established of obtaining redress, without breaking the peace, which appears for the first time in this treaty; and that was the liberty of granting *letters of reprisals*. In case that the prince who was required to order redress, should delay it for six months after the requisition had been made, the other prince should not thereupon commence war; but it should be lawful to him, when such refusal of justice was evident, to grant letters of reprisals to his injured subjects, against all the inhabitants of the march, if the trespass had been committed by land; and if by sea, against the ports and their creeks, with the towns and villages on the shores of these ports and creeks, and the inhabitants thereof; wheresoever the author of the trespass or wrong resided, at the time when it was committed, and not against any others: the peace being by these proceedings nowise derogated from, but continuing in its full vigour. The other heads of this treaty were less material; consisting chiefly of provisions for giving it stability and duration: the publication of all the articles thereof, or at least of their tenour and effect, was agreed to be made within three months after the date of the treaty, in the more considerable cities and towns of each kingdom, and especially in the places of note on their marches. In the instrument for regulating the redress of wrongs, the articles of the truce of 1499 were almost copied; but yet with some variations and additions. Malefactors flying their own kingdom and seeking refuge in the other, were appointed, as before, to be sought out and delivered up by the wardens, their lieutenants or deputies, in the kingdom to which they had fled, on certification and requisition made by letters of the like officers in the other kingdom. This delivery was to be made in ten days after it was required, if the fugitives were not more than a hundred miles distant from the marches; if otherwise, within twenty days. To this a regulation was added, for enforc-

* The allies of the king of England were, the king of the Romans, Lewis XII. king of France, the kings of Spain, Portugal, and Denmark; the archduke of Austria, the dukes of Venice, Ferrara, and Savoy; also the society of the merchants of the Hanse towns. Those of the king of Scotland were, Lewis king of France, John king of Denmark, the king of Spain, the king of the Romans, the archduke of Austria, the dukes of Gueldres, Holstein, and Clive, and the marquis of Brandenburgh.

Henry VII. K. of England. 1502.

ing the performance of this part of their duty on the wardens, their lieutenants or deputies. When either in the ſearch or delivery of malefactors, theſe officers ſhould be found culpable or negligent by commiſſioners of each king, appointed to inquire into their conduct, the prince, whoſe officers were thus convicted, ſhould not only deprive them of their charges, but farther puniſh them, as his honour and conſcience ſhould dictate, and in proportion to the guilt of thoſe whom they had ſcreened and protected; at the ſame time employing, according to honour and conſcience, his own utmoſt diligence to bring ſuch malefactors to juſtice. The proſecution and trial of murderers was fixed as by the laſt truce; but with this remarkable variation, that inſtead of a poſitive appointment, that the officers of their own marches ſhould put them to death, it is here only ſaid that theſe officers might do ſo *. The liberty of iſſuing letters of repriſals, in caſe of refuſal or delay of juſtice, was again ordained in this inſtrument; which, in all other regulations, conducing to its general ſcope, coincides with the ſhort truces of the preceding years.

Jan. 25.

Holingſ. p. 490. Sc. Chr.

On the day after all theſe treaties were ſigned, the concluſion of them, and the actual affiancing of the princeſs Margaret to the king of Scotland, repreſented by the earl of Bothwell his proxy, was publiſhed at St. Paul's Croſs; and the publication was followed by general rejoicings. A league of perpetual peace between the kingdoms, after ſo many fruitleſs attempts to accompliſh it, and after a ſeries of ſtrife and animoſity, never long diſcontinued, for more than two hundred years, was conſidered as a thing almoſt impoſſible. But it was never undertaken by a prince of ſo great abilities, and who at the ſame time had ſet his heart ſo much on peace as Henry. And what contributed moſt of all to make his endeavours effectual, was his cultivation of peace with France during the reigns both of the preſent and late king of that nation. By this means, although it was always the policy of the French court, it became leſs their immediate concern, to prevent a ſtrict union between the kingdoms in this iſland: at this time alſo their great object was the making conqueſts in Italy; an enterpriſe in which they had never any laſting ſucceſs, and which had often diverted them from things that better deſerved their attention.

Although the treaties concluded in January were ſoon after confirmed by the oaths of both kings, yet the ratification of them were not exchanged, until the enſuing month of December. The king of Scotland † was in the interval earneſtly ſolicited by his father-in-law, to refuſe or ſuperſede the confirmation of the ancient league between Scotland and France. To this James did not entirely conſent, but promiſed a delay, until he ſhould have a perſonal interview with Henry, or acquaint him with his reſolution, after being farther adviſed; declaring, at the ſame time, that he perceived no good reaſon for this

Rym. vol. xiii. p. 124.

* "Qui gardianus ejuſve locumtenens vel locumtenentes, deputatus vel deputati, ipſum nomi idam "vel homicidas, ſic ut ſupra convictum vel convictos, et ſibi conſignatum vel conſignatos, pro "hujuſmodi homicidio, ultimo ſupplicio demandare poſſit." In the truce of 1499, it was *qui gardianus*, &c.——ultimo ſupplicio *demandabit*.

† This appears from James's anſwer to a letter from Henry, which Andrew Forman biſhop of Murray ſent to his maſter by Sir John Hume of Duns. Rym.

delay,

delay, nor that his confirming the French alliance could be any way prejudicial either to the king of England or himſelf. From this it would ſeem, that the French, although too late, were endeavouring to throw difficulties in the way of completing the friendſhip and union of the Britiſh ſovereigns. They had alſo raiſed a ſcruple in James's mind, which diſcovered itſelf, on his renewing his oath to obſerve the treaties with England, previous to the exchange of the ratifications of theſe treaties. He objected, on this occaſion, to the giving to his father-in-law the title of *King of France*, which he declared, was a circumſtance he had not attended to when he took and ſubſcribed the oath in February preceding, but at the ſame time expreſſed his willingneſs to renew his oath to the effect of confirming the treaties, whenſoever he ſhould be required by his father the king of England *. Henry's commiſſioners for witneſſing this oath, who were the lord Thomas Darcy captain of Berwick, and Henry Babington profeſſor of divinity, conſented to allow the omiſſion of the title objected to; and accordingly it was not included in this ſecond oath. All other matters previous to the marriage appear to have proceeded eaſily, and were finiſhed in due time. Seiſins were given, in the end of the following May, to commiſſioners from the Engliſh court acting in name of the young queen, of the ſeveral places and ſtates †, aſſigned for her jointure of 2,000 l. *per annum*, which were ratified by James on the 6th of June. Ten days after, the king of England ſet out with his daughter on her journey to Scotland, and accompanied her to Colliweſton in Northamptonſhire, the ſeat of his mother the counteſs of Richmond. After ſpending ſome days there, ſhe proceeded in her journey, under the care of the earl of Surrey, accompanied with a ſplendid retinue of Engliſh nobility and gentry. The earl of Northumberland, warden of the eaſt marches, joined the cavalcade upon its entering his territories. Thus conducted and accompanied, the young queen paſſed through Berwick, and arrived at the kirk of Lamberton, ſituated at a ſmall diſtance from the march between Scotland and Berwick bounds ‡. There her huſband, accompanied with a gay and numerous court, was ready to receive her, and conveyed her, on the ſame day, to

James IV. K. of Scotland. 1502. Ib. p. 43.

Ib. p. 62. A. D. 1503.

* Henry ratified the treaty, and took an oath to obſerve it at Weſtminſter 31ſt October, as appears from deeds in regiſter at Edinburgh. Aberc. vol. ii. p. 514. The king of Scotland's ſecond oath is dated December 10th, and his ratification of the treaties December 17th. Rym. ib.

† Theſe were the king's lordſhip of the foreſt of Etterick, together with the foreſt of Etterick itſelf, in the ſheriffdom of Selkirk, with the tower, fortreſs, or manor of Newark, in that foreſt; the county of March, and lordſhips of Dunbar and Coubrandſpeth, with their dependencies, (excepting the caſtle of Dunbar and its cuſtody, reſerved by the king to himſelf,) lying in the conſtabulary of Haddington, within the ſheriffdom of Edinburgh; the palace of Linlithgow, and lordſhip of Linlithgowſhire; the lordſhip of Stirlingſhire and caſtle of Stirling, with their dependencies; the earldom of Menteith, and lordſhip and caſtle of Down, with their dependencies, in the county or ſheriffdom of Perth, and the palace and lordſhip of Methven in the ſame county; the revenues of which are ſaid to amount to 2000 l. ſterling, or 6000 l. current money of Scotland, of yearly rent, clear of all burdens and expences whatſoever. Seiſin of the earldom of Dunbar, (which ſeems from this to be altogether ſynonymous with the earldom of March) and lordſhip of Cowburnſpight (ſo ſpelled), was given to Robert Sherburn dean of St. Paul's, one of the queen's attornies in theſe tranſactions. The others were, Thomas lord Dacre, John Cartington, and Richard Errington, at the market-croſs of the borough of Dunbar, on the 29th of May. Rymer, ib. p. 66.

‡ This kirk has been long ago demoliſhed, and its pariſh annexed to that of Mordington. Dalkeith.

Henry VII. K. of England. 1503. August 8.

Dalkeith. Thence ſhe proceeded to Edinburgh on the day following, where the marriage was celebrated with great pomp and feſtivity: a marriage deſerving ever to be remembered, as proving the foundation of a real and laſting union between the kingdoms; although by conſequences ſo ſlow and remote, as point out a direction ſuperior to the utmoſt ſtretch of human policy.

A. D. 1504. Rym. ib. p. 92, 93.

The Scottiſh parliament, in the following year, confirmed the ſettlement of the queen's jointure; and the payments of her dowry were regularly made at the terms appointed by the treaty *: great attention ſeems to have been given by both monarchs to obſerve all the other articles of this treaty, and although ſome offences were given, yet the peace continued inviolate, during the remainder of Henry's life, which came to an end in ſomewhat leſs than ſix months after Margaret's marriage. The year before his death, he contracted a marriage of his other daughter Mary, with the young archduke Charles, prince of Caſtile and Burgundy, afterwards the Emperor Charles V. †; and by this alliance added to the former, he flattered himſelf, as he expreſſed it in a letter to the city of London, that he had built a wall of braſs around his kingdom. He died of a lingering diſtemper, leaving his ſon Henry VIII. his kingdom, in peace, and his coffers full of treaſure, moſt of it the fruits of rapacity and oppreſſion.

A. D. 1509. April 22.

Henry VIII. K. of England. June 29. Rym. vol. xiii. p. 261. 267. Buchanan. Abercromby. Drummond. Herbert, H. 8.

Soon after the acceſſion of young Henry, the treaty of peace between the two kingdoms was ratified, and each monarch ſwore to the faithful obſervation of it ‡. The king of Scotland, from the time of his ſtrait union and good intelligence with the king of England, had, with no inconſiderable ſucceſs, been cultivating the arts of peace. He repaired and embelliſhed his caſtles and palaces, and in the ſplendour of his court exceeded all his predeceſſors. He improved the adminiſtration of public juſtice, and extended it to the wildeſt and remoteſt parts of his dominions. He alſo increaſed his ſtrength at ſea by building ſeveral ſhips, ſome of them of an uncommon magnitude. He is farther celebrated for his activity and diligence, in repreſſing and puniſhing the exceſſes of the borderers. But to preſerve peace between nations, in whom the ſpirit and habits of ſtrife were ſo ſtrong, and the occaſions of it ſo frequent, as between the Engliſh and Scots, required a concurrence of circumſtances and characters too extraordinary to be of long continuance. The young Henry was in the beginning of his reign a prince of great hopes; but his conduct ſoon exhibited a character very different from that of his father. He was addicted to pleaſure, but at the ſame time not inſenſible of the allurements of ambition; and the old fox Ferdinand of Spain, his father-in-

* The commiſſion to make the laſt payment of this dowry at Coldingham, was given to John prior of Tinmouth, William Cope cofferer of the king's houſehold, and Chriſtopher Clapham porter of Berwick.

† Charles was born 24th of February 1500. His father Philip died at Burgos in 1506. Philip was king of Caſtile by his mother Johanna, daughter of Iſabella.

‡ In the oath taken to this effect, firſt by Andrew Forman, James's ambaſſador, and afterwards by the king himſelf, the title of king of France is given to Henry. The ferocity of Henry's youth, and his opinion, that his right to the crown of England with all its claims, was much better than that of his father, may account for his not diſpenſing, as his father had done, with James's joining to his other titles that of king of France.

law,

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law, ſoon engaged him to be a party in quarrels on the continent, wherein Henry had very little concern. The great fomenter of the wars of that period was Pope Julius II.* a man wholly abandoned to his ambition and reſentment, and in purſuing the objects of theſe, utterly contemning even the appearances of truth and juſtice. As his undertakings were far beyond his ſtrength, and his allies, Maximilian and Ferdinand, were no leſs falſe than himſelf, he was reduced to great ſtraits by Louis XII. of France, who, had it not been for the ſcruples of his queen, would have made a conqueſt of all his territories. But, inſtead of proceeding to the laſt extremities in the way of violence and arms, Louis attempted to ſubdue him by procuring a general council to be ſummoned at Piſa †, for reforming the church in its head and members. The Pope thus diſtreſſed, invoked the aid of all the other ſtates of Chriſtendom, againſt the French king, and fulminated againſt that king himſelf and his kingdom, a ſentence of excommunication and interdict. For a while it agreed with the private views of Maximilian and Ferdinand, to appear on the ſide of the Pope; and the united inſtances of all the confederates were exerted, to work upon the ambition and zeal of the Engliſh king. The preſent opportunity was repreſented, as moſt favourable for reviving and making good his claim to the poſſeſſions of his anceſtors in France; and Louis's being at once attacked on different ſides by the Pope and his allies, was held forth to him as the certain mean of delivering the head of the church from the oppreſſion of that monarch and his ſchiſmatical adherents. By theſe motives, Henry was engaged in a league for carrying on this pretended holy war; and in 1512, ſent over an army in tranſports, furniſhed by Ferdinand, to attack the province of Guienne. But the real object of Ferdinand, was to acquire to himſelf the kingdom of Navarre; which he accompliſhed by putting the Engliſh army between his own and that of France, until he had ſeized the dominions of his poor and helpleſs neighbour. But although the Engliſh forces returned home in the end of the year, greatly diſcontented, and much reduced in their numbers; yet Henry perſevered in his attachment to the pretended cauſe of the church, and in his project of recovering the ancient dominions of his crown in France. Accordingly in the year following, a new expedition was undertaken into the northern parts of France, and Henry paſſing over to Calais, commanded his army in perſon.

James IV. K. of Scotland. 1509.

Henault.

A. D. 1511.

A. D. 1512. June 30.

Theſe proceedings of Henry againſt France, as had often before happened in like circumſtances, were the real cauſe of a rupture between England and Scotland. The Engliſh monarch, by breaking his father's peace with France, which he himſelf had ſolemnly renewed, after his acceſſion to the crown, ſet his brother of Scotland a bad example, and, at the ſame time, gave him juſt ground of alarm. The combination of Henry, with the powers of the continent, againſt France, had a formidable appearance; and its tendeney was to deſtroy, or greatly to weaken a kingdom, to which Scotland had been for ages cloſely allied; and which was the ſureſt ſupport of its favourite independency

* Julius was Pope from 1503 to 1513. † This council met in 1511.

againſt

Henry VIII. K. of England. 1512.

againſt the attempts of England *. Henry VII. for the ſake of a laſting peace, had indeed been content to ſink in oblivion all the ancient pretenſions of England to ſovereignty over Scotland; but the experience of former times had ſufficiently ſhewn how apt ſuch claims were to be revived by the ambition of particular monarchs, when prompted by circumſtances and opportunities that appeared favourable. Conſiderations of this kind were urged with ſo much efficacy at the court of Scotland, that, in little more than a month after Henry had ratified his league with Ferdinand, for aſſiſting the Pope, and invading France, the ancient league between France and Scotland was renewed at Edinburgh; wherein the article that bound the two kings, to give mutual aid againſt each other's enemies, was expreſſed in the moſt ample and unreſtricted manner †.

March 26. Abercromby, vol. ii. p. 526. from E. Winton's MSS.

The treaty of peace, between Scotland and England, allowed each king to give aid to his other allies, although theſe were engaged in war with his neighbour ſovereign; but, in giving ſuch aid, forbade any hoſtile invaſion of each other's territories. It was therefore neceſſary, to juſtify James in his meditated invaſion of England, that the treaty ſhould be found to have been made void by infractions of it, on Henry's part, which Henry had refuſed to redreſs; and ſuch violations were actually imputed to Henry by the king of Scotland. In the third year of Henry's reign, two Scottiſh ſhips, commanded by Andrew Barton, were ſuddenly attacked, as they paſſed near the Downs, by the ſame number of Engliſh veſſels, under the command of Sir Edward Howard, created next year *lord admiral* of England, and Thomas his elder brother, both ſons to the earl of Surrey ‡. After a very obſtinate reſiſtance, wherein Barton was mortally wounded, the Scottiſh ſhips were taken, and their crews carried priſoners to London; where, after remaining a ſhort time, they implored, and obtained Henry's pardon; but were ordered to leave England in twenty days, on pain of death. Barton had ſome time before obtained letters of marque from the king of Scotland againſt the Portugueſe; upon their refuſing to make reparation for a rich ſhip, which a ſmall fleet of theirs, on the coaſt of Holland, had taken from Barton's father, during the reign of James III. In conſequence of theſe letters, Barton had made ſeveral captures of the ſhips of Portugal, on the coaſts of their own country §; and was accuſed

Auguſt 1511. Hall. f. 15. Herb. p. 7. Leſl. 355. Buch. l. 13.

* James writing on this ſubject to his uncle John king of Denmark, ſays, "Et profecto nobis "conſultum non eſſet, nec ſatis ſecurum, Anglos Franciam armis occupaſſe. Nec dubium quin capta "Gallia ad occupandam Scotiam et proxima deinde regna ſubito diverterent." Epp. RR. Sc. i. 171.

† "Whereas, formerly, the kings of Scotland and France were only obliged to aſſiſt one another, "in oppoſition to the Engliſh, or ſuch others as ſhould offer to invert the hereditary right of ſuc- "ceſſion to their reſpective crowns, they became now bound to aid and aſſiſt one another; and even "in perſon, if occaſion ſhould require it, againſt all who may live and die."

‡ This exploit of the Howards is celebrated in a notable old ſong, publiſhed in Dr. Percy's Collection, vol. ii. p. 177—193. According to this ſong, Barton's ſhip made afterwards the ſecond of the royal navy of England.

§ This is either erroneouſly related by hiſtorians, or Barton's captures from the Portugueſe had borne no proportion to the loſs of his father; for there were afterwards repeated applications, during the reign of James V. to the court of Portugal on this ſubject; which, failing of ſucceſs, letters of repriſals were iſſued to John Barton, grandſon of the firſt ſufferer, by James earl of Arran, governor of Scotland, 1ſt Nov. 1543. App. RR. Sc. vol. i. and ii. particularly vol. ii. p. 166.

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of having ſeized and plundered ſome Engliſh ſhips in the narrow ſeas, on pretence of their having goods on board that belonged to the Portugueſe. Theſe exploits were conſidered as encroaching on the king of England's authority over the narrow ſeas, and procured to Barton, from the Engliſh traders, the name of a pirate; and, as ſuch, the two Howards had received orders to attack him, wherever they could find him. When James, on this occaſion, complained of the violence committed againſt the lives and properties of his ſubjects, he could have no other anſwer, than that it was unreaſonable for him to charge his ally with breaking the peace, on account of his deſtroying a pirate. But, as the Scottiſh king could not admit that Barton deſerved this character, he retained a deep reſentment of the violent proceedings againſt him. Another cauſe of complaint was given, while Henry VII. was yet alive; and remained ſtill unredreſſed. This was an outrage committed on the perſon of Sir Robert Ker, at a meeting on the marches. Ker was in high favour with his ſovereign; being his principal cup-bearer, maſter of his artillery, and warden of the middle march towards England. In the exerciſe of the laſt-named office, his inflexible rigour, in exacting and diſpenſing juſtice, kindled the reſentment of many, both Scots and Engliſh. A fray ariſing at a march-meeting, Ker was cruelly murdered by three Engliſhmen, John Heron, Lilburn, and Starhead †. Heron and Starhead made their eſcape; but Lilburn, being apprehended, was delivered up to the Scots; and for their farther ſatisfaction, Heron, the lord of Ford, and warden of the Engliſh march, whoſe baſtard-brother the murderer ſeems to have been, was alſo put into their hands. Both of theſe were ſhut up in Faſt-caſtle, where Lilburn died. Thus matters continued until the beginning of Henry VIII.'s reign, when the two fugitives, Heron and Starhead, began to appear publickly; hoping that the times would ſoon become more favourable to men of their character: Heron, confiding in the power of his kindred, made no ſcruple of being ſeen openly at home; and did what he could to break the peace between the kingdoms, by ſending forth robbers into the Scottiſh borders. Starhead choſe his habitation at a conſiderable diſtance from the march; but this only expoſed him to be attacked with leſs ſuſpicion by two dependents ‡ of Andrew Ker, the ſon of Sir Robert; who, paſſing into England, murdered Starhead in his houſe, and brought back his head to their maſter, who expoſed it to public view in one of the moſt frequented places of Edinburgh. But beſides open acts * of violence, wherein

James IV. K. of Scotland. 1511.

Buchan. l. 13. Holingſh. Sc. Chron. p. 416.

† This outrage ſeems to be meant in James IV.'s letter to Pope Julius II. dated December 5. 1511. After complaining in general, of injuries committed by the Engliſh againſt his ſubjects, in the latter years of Henry VII.'s reign, he adds, *tum demum ex inſidiis aggreſſi quos armis et bello capere antea non poterant, viros nobis fortiſſimos per pacis occaſionem incautos e medio ſuſtulerunt.* Epp. RR. Sc. i. 123.

‡ They were of the name of Tait.

* James, in the above quoted letter to the Pope, writes, that the preſent king of England, though he had ſworn to obſerve the league concluded by his father, yet committed all manner of violence and outrages againſt the king of Scotland by ſea and land; not only tolerating ſuch exceſſes, but willing and commanding them. He immediately adds, "Verum regem et fratrem noſtrum in-" aperto et palam moviſſe bellum facit ut S. V. noſtrum utrumque et a ſacramento et a cenſurarum in-" curſu liberaſſe præſumpſerim, id quod non uſque adeo iniquum foret, fœdus inquam, mutuo " utrumque *diſſenſu* ſolutum iri." Forte *aſſenſu*.

Henry VIII. K. of England. 1511.

Henry was charged with encouraging and protecting his ſubjects, James did farther accuſe him of fraudulently detaining a valuable legacy, conſiſting chiefly of jewels, which had been bequeathed to his queen by her father Henry, or brother Arthur.

As the court of England could not but perceive how much a war with Scotland would clog their enterprifes on the continent, they were at great pains to prevent matters coming to extremities. Towards the end of the year 1511, and probably on occaſion of the affair of Barton, Dr. Weſt was ſent ambaſſador to Scotland, to negociate an abolition and mutual remiſſion of all quarrels and complaints that had happened between the kings or their ſubjects. In the ſpring of the following year, ſoon after the renewal of the league between France and Scotland, the lord Dacres was joined in commiſſion with Weſt for carrying on a negociation of the ſame nature, and they were alſo charged to demand the king of Scotland's oath for obſerving the treaty of peace between the kingdoms; offering to him, in the name of their maſter, that he ſhould take the ſame oath. It is ſaid, that the king of Scotland declared at this time to the two Engliſh ambaſſadors, that he intended to obſerve a ſtrict neutrality between the kings of France and England; but that when the ambaſſadors deſired him to give this declaration in writing, he excuſed himſelf, on the pretence, that by his granting their requeſt, he would ſhew a greater deference to the king of England, than to the king of France. The ambaſſadors endeavoured to amuſe the king, not only with offers of ſatisfaction for the wrongs he complained of, but alſo with hopes that their maſter would be reconciled to France on equitable terms. But the king of Scotland being preſſed on the other hand by the French ambaſſador, animated by new letters from the king and queen of France, brought over by James Ogilvy, abbot of Dryburgh; and receiving intelligence, that an Engliſh army was ſent over to join the king of Spain in invading France, no longer heſitated to commence hoſtilities. He gave a commiſſion to attack the Engliſh at ſea to Robert Barton, who ſoon made prizes of thirteen of their ſhips. Incurſions were alſo made, probably by virtue of letters of marque, into the Engliſh borders; and Henry apprehending a war unavoidable, appointed the earl of Surrey his lieutenant and captain general on the marches towards Scotland, giving him charge to array and muſter the fencible men of the northern counties, and to lead them forth to reſiſt the Scots.

Rym. vol. xiii. p. 309.

A. D. 1512. Rym. ib. 332, 333.

Herb. Hen. VIII. p. 12.

Leſly, p. 357.

July. Aberc. vol. ii. p. 526.

Auguſt 6. Rym. vol. xiii. p. 339.

Notwithſtanding theſe beginnings of violence, endeavours were ſtill uſed to prevent an open war. Ambaſſadors * were nominated by the king of Scotland to paſs into England in the beginning of the following year; and lord Dacres and doctor Weſt † had their commiſſion renewed by Henry, for the purpoſes already mentioned. Lord Conyers and Sir Robert Drury were alſo appointed commiſſioners for giving and receiving redreſs of injuries. In conſequence

A. D. 1513. Feb. 15. Rym. ib. p. 347.

* Theſe were, John lord Drummond, Sir Robert Lauder of Baſs, Sir John Ramſey of ——, Sir William Scot of Belverley, and Mr. John Henryſon clerk of juſticiary.

† Weſt, according to Leſly, came ambaſſador into Scotland March 16, and prevailed with James to conſent to a meeting of commiſſioners from each nation, to be held on the borders in the following June. Leſl. 358.

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of theſe, or the like appointments, a meeting of commiſſioners from both kingdoms was held on the borders in the following ſummer; where neither party being in proper temper for ſettling the reparation of mutual injuries, a delay of farther proceedings in theſe matters was propoſed by the Engliſh commiſſioners, until the 15th of October; and this delay was approved by Henry and his council.

James IV. K. of Scotland.

1513. Let. of K. of Scotland to Henry. Hol. p. 295, 296. Hall, Hen. VIII. f. 29, 30. Leſly, p. 359.

On the laſt day of June, Henry paſſed the ſea to Calais; and on the 26th of the following month, James ſent his principal herald to him, with a letter containing his complaints of the injuries he had received from Henry and his ſubjects, and a declaration of his purpoſe to ſupport his ally the French king, and to take ſuch meaſures as he hoped would oblige the king of England to deſiſt from his hoſtile enterpriſes againſt him; which he at the ſame time entreated and required him to do. This meſſage was ſent by the advice of the eſtates of Scotland; who, by the inſtances of their king, aided by the arts and money of France, were, not without reluctance in many particular members, engaged to give their conſent to an invaſion of England.

In the letter of James, juſt mentioned, he takes notice of the deſtruction of Barton, with the iniquitous detention of his ſhips and artillery; the protection given to the baſtard Heron, with his accomplices, in the murder of the Scottiſh warden; and of the ſpightful with-holding of the bequeſt to his queen, notwithſtanding repeated promiſes to ſatisfy that demand. He mentions alſo the ſlaying, upon unjuſtifiable pretences, ſome of the Scottiſh nobles, and the carrying of others priſoners into England. He remonſtrates againſt the unneceſſary delay of redreſs, after the peremptory appointment of the laſt meeting on the marches for effecting it; and to prove, that it was the view of the Engliſh to diſappoint the profeſſed purpoſe of that meeting, he affirms, that they had arreſted no malefactor, to be produced before it ‡. James farther loudly complains of Henry's having refuſed a ſafe-conduct to an ambaſſador whom he lately propoſed to ſend to him, at the deſire of doctor Weſt, his own ambaſſador. Finally, he inſiſts on the bonds of friendſhip, and natural relation, that connected him with the French king and the duke of Gueldre; who were the perſons to whom he was to look for aid in *his* neceſſities; and on whom the unprovoked attacks of the king of England gave him too much cauſe to dread the worſt for *himſelf*.

Hall, ib.

This letter of the Scottiſh king was delivered by his herald to Henry while lying before Terouenne, and at the time when he was juſt expecting the arrival of his ally the emperor Maximilian, to receive his pay and fight under his banner. So flattering a ſituation of affairs, concurring with the inſolence of youth and natural heat of the king's temper, prompted him to give an anſwer in ſuch harſh and paſſionate expreſſions, as the herald refuſed to repeat to his maſter. A letter was therefore delivered to him, wherein the ſtrain of abuſe and reproach ſeems not to have been moderated. Henry in this letter

Aug. 12.

Hall, fol. 29. Hol. E. C. 820.

‡ In vindication of this neglect, the king of England alleged, that thoſe who had committed ſlaughter upon the ſea, were not bound to appear in perſon at the march meetings; but that the appearance of their attornies was ſufficient.

Henry VIII. K. of England. 1513.

charges James with the evident tendency of his complaints and allegations, all which, he affirms, had already been fully anſwered, to break that peace which he had ſolemnly ſworn to obſerve; a thing which could be no occaſion of wonder to any who reflected how much his progenitors had been addicted to the like perfidy. He reproaches James with behaving diſhonourably in taking advantage of his abſence, which it was evident he had waited for; as, in none of his writings that preceded Henry's departure from his kingdom, he had ever mentioned his taking part with the French. But as the fragility of his faith, and the tenor of his paſt behaviour, had given too much ground of ſuſpicion, Henry informs him of the precautions he had taken for the defence of his kingdom, before he left it, which he truſted would be ſufficient; and, in juſt requital of his unnatural behaviour, he threatens the excluſion of James himſelf and his deſcendants from ſucceeding to the crown of England, on which he alleges that James had fixed his eye. He ſets before him the fate of the king of Navarre; who, by adhering to France, was now a king without a kingdom: and, affirming that ſufficient anſwers had been formerly given to all other articles of complaint, he poſitively denies that he had refuſed a ſafe-conduct to an ambaſſador from Scotland; and aſſerts that the Scottiſh herald, in making that report, had violated the truth. Finally, he refuſed, with diſdain, to own James as a judge in his quarrel with the French king; or, on *his* requiſition, to deſiſt from the war he was now carrying on in France. This anſwer, compared with the letter of the Scottiſh king, affords an authentic illuſtration of the grounds of the quarrel between the princes, but could have no effect on the meaſures of the king of Scotland; his herald, through the want of a ſhip, being detained in Flanders, ſo as not to arrive in his own country until after the death of his maſter.

Hall, ib. fol. 30, 31. Leſl. 361.

Leſly, 359. Hol. S. C. p. 430, 431. Buchan. p. 250. Hall. fol. 38.

On the ſame day that James diſpatched his herald to Henry, a Scottiſh fleet, commanded by James Gordon, ſon of the earl of Huntley, with a body of land-forces on board, ſailed to the aid of the French king; and on the 13th of the following month, the lord Hume, chamberlain of Scotland, and warden of all the marches, made an inroad into England, at the head of about three thouſand horſemen, his kindred and retainers *. This incurſion of Hume had been preceded, at a ſmall interval of time, by one made into the Scottiſh borders by a party of Engliſh, who had carried off a conſiderable booty. Hume, in the beginning, purſued his revenge proſperouſly; by burning ſeven villages nigh the march, and collecting a great load of ſpoils from theſe villages and the adjacent country. Sir William Bulmer, whom the earl of Surrey had ſent forward from Doncaſter with two hundred archers on horſeback, to lie in the caſtles and fortreſſes of the frontiers, called to his aid the gentlemen of the Engliſh march; who, after joining themſelves and followers to Bulmer's archers, did not make up a thouſand men. Theſe placed themſelves in ambuſh among tall broom in the plain of Milfield, nigh the way by which the Scots were to paſs: and while the latter were returning ſecure with their plunder, the Engliſh ſuddenly attacked them. The Scots made a brave

* According to Hall, lord Hume led into England ſeven or eight thouſand men.

reſiſtance,

James IV. K. of Scotland. 1513.

reſiſtance, but could not long bear the ſharp and regular ſhot of the Engliſh archers. They were put to the rout, with the loſs of five or ſix hundred killed, and more than four hundred taken priſoners. The prey, among which was a great number of Engliſh geldings, was recovered. The lord Hume was obliged to fly, having loſt his banner; and his brother Sir George was made a priſoner.

Leſly, 362. Hall. fol. 38.

The king of Scotland, eager to revenge the defeat ſuſtained by his warden, haſtened his march into England; which he entered on the 22d of Auguſt at the head of a numerous army †. He encamped that night at Weſilham ‡, near the river of Till, and probably remained there the two following days: for, on the 24th, by advice of the lords in his company, an act was made, dated at *Twiſel-haugh* * in Northumberland; ordaining, that the heirs of all who ſhould be killed or mortally wounded by the enemy, or who ſhould die in the army during the term of their ſervice in it, ſhould be freed from the burdens of ward, relief, or marriage, due to the king. This act was, not improbably, in imitation of one of like import made by the legiſlature of England, previous to the war wherein that nation was now engaged with France. From the mouth of Till the Scots army moved down the ſide of Tweed, to lay ſiege to the caſtle of Norham. Of this the outworks were ſoon gained, one of its towers beat down, and ſeveral of the garriſon killed; whereupon the captain entered into a capitulation to ſurrender the place, if not relieved on or before the 29th, by the earl of Surrey §, who was then approaching with an army levied in the northern counties. No relief appearing within the time limited, the caſtle was delivered up to the Scots, who demoliſhed a great part of it. They alſo took, and in part caſt down, the caſtles of Wark, Etall, and Ford. They ravaged the adjacent country, collected much booty, and took many priſoners. With theſe ſpoils great numbers of the Scottiſh army forſook their colours, and returned to their homes: and the deſertion was farther promoted by a beginning ſcarcity of proviſions, and the continual ſeverity of the weather; not many hours paſſing without rain, during the whole expedition. But the king met with an entanglement at the caſtle of Ford, from the art of the lady of that place and the charms of her daughter ‖, that is ſaid to

Scotch acts of parliament.

Parl. Hiſt. vol. iii.

† Lord Herbert ſays, of ſixty thouſand, or, according to ſome, an hundred thouſand men; Hall ſays, that they were, for a ſurety, a hundred thouſand good fighting men, at the leaſt.

‡ So Leſly, and Holingſhed from him. Holingſhed and Drummond call Till the river of Twiſel; and moſt probably *Weſilhamia* is a Latin name contrived by Leſly for Twiſel itſelf.

* In the date of the act it is ſpelled Tweſil-hauch. The enacting clauſe is, that 'gif any man beis ſlane or hurt to deid in the king's army, and oiſt be Ingleſman, or deis in the army, enduring the tyme of his oiſt, his aires ſhall have his ward, relief, and marriage, of the king fre, diſpenſand with his age, quhat eild that ever he be of.' Black Acts, f. 110.

§ According to Hall, the captain had written to Surrey, that he would give the king of Scotland play before his caſtle, till the king of England ſhould come from France to reſcue it. He alſo ſays, that the captain ſpent vainly his ammunition and arrows, and ſo was ſoon in want of them. Hen. VIII. f. 37, 38.

‖ It was ſuſpected by ſome, according to Drummond, p. 74, that the captivity of the lady of Ford and her daughter, was a ſnare contrived by Surrey for the king of Scotland and his ſon, the archbiſhop of St. Andrews. The mother is alſo ſaid to have been allowed by the king to go to the Engliſh

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to have been more pernicious to him than all other circumſtances. A propoſal was made, that he ſhould attempt the reduction of Berwick, which was known to be ill prepared for undergoing a ſiege: but the king and his flatterers agreed, that this undertaking ought not to divert the army from its victorious progreſs towards the interior parts of England; for Berwick would be an eaſy conqueſt, on their return. Mean while, no progreſs was made for ſome days in any other direction; the amorous king being held in the chains of the ſoft paſſion, while the ſpirits of his army ſubſided, and its numbers diminiſhed.

Hall, fol. 38.

While the king thus waſted his time, the earl of Surrey was leading towards him an army of twenty-ſix thouſand men. This commander, in paſſing through Durham, obtained from the prior of the convent the banner of St. Cuthbert to be diſplayed, for the purpoſe of animating the zeal and courage of his northern troops. On the 30th of Auguſt he arrived at Newcaſtle, where he was joined by the lord Dacres and ſome others of chief rank and intereſt in the north: in concert with whom he reſolved to take the field at Bolton in Glendale, on the fourth of the following month. He arrived at Alnwick, diſtant about five miles from the place of rendezvouz, on the third; but the heavy rains had marred the roads, ſo as to retard the arrival of his ſoldiers, and to oblige him to remain at Alnwick all the fourth. On that day he was joined by his ſon Thomas *, now the lord admiral, and brother to the late gallant Sir Edward †, accompanied with a conſiderable body of good forces, which he had brought by ſea to Newcaſtle. Immediately after this

Engliſh camp, on her promiſing to convey to him intelligence of what was doing there; but the advertiſements ſhe ſent were contrived to ſerve the views of Surrey. The only account found in the Engliſh hiſtorians of any intercourſe between the king and the lady of Ford, appears in the meſſage mentioned a little below, ſent by the earl of Surrey to the Scottiſh king from Alnwick. This meſſage, Hall ſays, he gives *verbatim* as ſubſcribed by Surrey; and the firſt article of it bears, that Elizabeth Heron, wife to William Heron of Ford, which William was then priſoner in Scotland, having ſolicited king James to preſerve the caſtle of Ford from demolition, ſpoiling, or burning; the king had conſented to it, on condition that the ſaid Elizabeth ſhould bring and deliver to him, on the forenoon of the 5th of September, the lord Johnſtoun (laird of Johnſtoun) and Alexander Hume, at that time priſoners in England. Surrey offers immediately to reſtore theſe priſoners, upon receiving an aſſurance of protection for the caſtle under the king's ſeal: and he farther promiſes to reſtore Sir George Hume and William Carre, on condition that the king would free Heron from his captivity in Scotland. The return made by James's herald (Ilay) to theſe propoſals was, that *his maſter thereto would make no anſwer*. Hall, Hen. VIII. fol. 39.

* Lord Herbert, probably from Hall, who ſeems to ſay the ſame, fol. 38. 1. ſays, that lord Thomas brought with him about a thouſand men. According to Stowe, the admiral joined his father with five thouſand ſoldiers from the king's army in France. It appears from the renewal of a grant that had been made to the earl of Surrey, as a reward of this ſervice, after he had become duke of Norfolk, that 'the men, wherewith he moſt opportunely joined his father, were part of 'his marine forces. It is added, that his ſervice in the battle was very conſpicuous; he having 'at once performed the function of a wiſe leader and a brave ſoldier.' Rymer, vol. xiii. p. 44. Carte ſays, that the lord Thomas, being ſent with a well-manned fleet to the coaſt of Scotland, in deſpair of any action by ſea, landed and joined his father with five thouſand men. Carte, vol. iii. p. 12.

† Sir Edward Howard was drowned before Breſt, 25th of April 1513, in a deſperate attack he made on the French fleet there.

junction,

junction ‡, the diſpoſition of the whole army was ſettled, and Surrey, thinking his ſtrength ſufficient to encounter the Scots, and deſirous to bring matters to the deciſion of a battle, on account of the difficulty of ſubſiſting in a barren deſolated country, and during a ſevere ſeaſon, diſpatched an herald (Rouge Croix) from Alnwick, on Sunday the 4th of September, offering the king battle on the Friday following. The herald had orders at the ſame time to charge the king with the breach of the league of perpetual peace between the nations, of his own oath confirming it, and the many iniquitous deeds of violence and rapine committed on the places and ſubjects of England, ſince his hoſtile entrance into that kingdom. The lord Thomas alſo required the herald to certify the king of his preſence in the Engliſh army; and that having come by ſea, where he had ſought the Scottiſh fleet in vain, he had reſolved to land, that he might have the opportunity of *juſtifying* the death of Andrew Barton, which he had been often ſummoned to anſwer for on the days of truce; that he would be in the van of the battle; and as he expected no quarter from his enemies, ſo he would give none, unleſs to the king himſelf, if he ſhould fall into his hands. Theſe fierce challenges anſwered the purpoſe for which they appear to have been ſent. The king thought it would wound his honour to refuſe them; and therefore immediately diſpatched one of his own heralds (Hay) to inform Surrey, that to meet him in the field of battle was ſo much his wiſh, that although he had been then at Edinburgh, he would, in order to meet him there, have left all other buſineſs. He alſo ſent by his herald a ſhort declaration in writing, containing an anſwer to Surrey's accuſation of his breach of faith. In this he affirmed, that his brother the king of England was under equal obligation with himſelf to obſerve the league; that when he laſt ſwore, before the Engliſh ambaſſadors, in preſence of his council, he particularly expreſſed in his oath, that he would keep the peace with his brother of England, if his brother kept it to him, and not otherwiſe. He alſo now declared, with all the ſolemnity of an oath, that his brother firſt broke faith to him, for which he had frequently demanded redreſs; and lately had given him notice of his reſolution to proceed to the hoſtilities which he had now commenced; which was more than his brother had done to him. On the equity of theſe proceedings he reſted his quarrel; which, by God's help,

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Hall. Hen. VIII. fol. 40.

‡ The fore-ward, or firſt line, was commanded by the lord Howard, admiral of England; with whom were thoſe he brought from the ſea, the lords Clifford, Conyers, Latimer, Scrope of Upſale, Egle, Lumley, Sir William Bulmer, with the power of the biſhoprick of Durham, &c. The right wing of this line was commanded by Sir Edmund Howard, marſhal of the army; with whom were Sir John Bothe, Sir Thomas Butler, ſeveral eſquires of note, with the men of Hull and the king's tenants of Hatfield. The left wing was led by Sir Marmaduke Conſtable; who had with him his ſons and kinſmen, Sir William Percy, and a thouſand men of Lancaſhire. The rear-ward was led by the general himſelf; with whom were, the lord Scrope of Bolton, Sir Philip Tilney, Sir George Darcy, Sir John Stanley, with the biſhop of Ely's ſervants, ſeveral other eminent knights, the citizens of York, Lyonel Percy, with the abbot of Whitby's tenants. The lord Dacres was captain of the wing on the right of the general's line, and commanded his own men. The other wing was commanded by Sir Edward Stanley knight, who led the remainder of the forces from the county palatine and Lancaſter. Holingſhed ſays, that afterwards, upon ſome occaſion, this order was ſomewhat altered. Eng. Chron. p. 826.

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it was his purpoſe to maintain with his arms, on the day that Surrey had named.

This reſolution of the king is ſaid to have been contrary to the declared ſentiments of the greateſt part of his nobles. They inſiſted on the grievous diminution of their own army, and the great ſuperiority of numbers on the ſide of the Engliſh; that by the exploits already atchieved, the king had acquired abundant honour; that his expedition into England had been of the greateſt utility to his ally the French king, by detaining at home a numerous body of Engliſh forces; that his returning into Scotland would oblige the Engliſh either to retire or diſperſe, as it was impoſſible they ſhould ſubſiſt in a country laid waſte by the calamities of war; that if they ſhould preſume to follow him, he would fight them within his own kingdom with far greater advantages on his ſide; finally, that the loſs of a battle, wherein the king and all the chief men of Scotland were preſent, could not fail to produce the moſt fatal conſequences. Theſe topics are ſaid to have been preſſed with ſo much vehemence by the old earl of Angus, that the king told him, if he was afraid, he might go home; and the earl, judging it repugnant to his honour to fight under the ſtandard of a prince from whom he had received ſo great an affront, requeſted and obtained his diſmiſſion: but, as pledges of his loyalty and good affection, left behind him two of his ſons *, and a conſiderable body of his name and kindred.

But although theſe remonſtrances of James's nobles availed nothing to ſhake the king's reſolution of awaiting his enemies, yet his ſenſe of the inferiority of his numbers, and the reluctance of his great men againſt advancing any farther into England, determined him to make choice of an advantageous ſituation for his army, in the neighbourhood of Ford. This was the hill of Flodden, lying over againſt that place on the other ſide of the Till, weſtward. It is the laſt and loweſt of thoſe eminences, that extend on the north-eaſt of the great mountain of Cheviot, towards the low grounds on the ſide of the Tweed; from which river Flodden is diſtant about four miles. The aſcent to the top of it, from the ſide of the river Till, where it runs in a northerly direction, juſt by the foot of the declivity on which the caſtle and village of Ford ſtands, is about half a mile; and over the Till, at that place, there is a bridge. On the ſouth of Flodden lies the extenſive and very level plain of Milfield, having on its weſt ſide high hills, the branches of Cheviot, on the north Flodden and other moderate eminences adjoining to it, on the ſouth and eaſt a tract of riſing grounds, nigh the foot of which is the ſlow and winding courſe of the Till. The neareſt approach of the Engliſh army towards Flodden was through this plain, in every part whereof they would have been in full view of the Scots; and the latter had a great advantage in poſſeſſing an eminence which, on the ſide towards the Engliſh, had a long declivity, with hollow and marſhy grounds at its foot; while the top of it was ſuch an extent

* They both fell in the battle, together with two hundred gentlemen of the name of Douglas. Godſc. Hiſt. Douglaſſes, vol. ii. p. 57.

of

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of almoſt level ground as would have ſufficed for drawing up in good order the forces that occupied it. Surrey, ſenſible of theſe advantages on the part of his enemies, and being now encamped on Wooller-haugh, to which he had marched on Tueſday the ſixth of September, in order of battle, from Bolton, ſent by an herald a letter † to the Scottiſh king, ſubſcribed by himſelf, his ſon Thomas, and the reſt of the lords and principal captains of his army. Having ſucceeded in his former experiment of piquing the honour of the gallant monarch, he was reſolved to make a farther trial of the ſame kind. In this letter therefore he put the king in mind of the readineſs wherewith he had accepted the offer ſent to him of a battle, to be fought on the Friday following; but added, that, inſtead of abiding, according to his promiſe, in the place where the Engliſh herald had found him, he had removed into a ſituation more like a fortreſs or camp than an equal field for the engagement of armies. He therefore deſired the king to come down from his heights, and to be with his army on the day following, on the ſide of Milfield-plain neareſt to his preſent ſituation; promiſing, for his part, to be in readineſs with his own army, on the part of the plain next to himſelf, to join battle, between twelve o'clock and three in the afternoon; provided the king ſhould, by eight or nine of the next morning, ſend by the return of the herald advertiſement of his intention to meet him. He deſired farther, that, as he and the noblemen of his company did now bind themſelves, by ſubſcribing this letter, to keep the time abovementioned, the king would in like manner, by letters ſubſcribed with his own hand, give them aſſurance of complying with their deſire; and that he would diſpatch the purſuivant immediately; as "they thought that the long delay of ſo honourable a journey would ſound "to the king's diſhonour."

This meſſage failed of the effect that Surrey hoped for. The Quixotiſm of the king that prompted him to embrace ſo eagerly the former challenge, was either abated by ſucceeding cooler reflections, or an inſuperable bar was put by the oppoſition of his nobles to his abandoning his preſent advantageous ſituation. He refuſed to admit Surrey's herald to his preſence; but having ſent one of his ſervants to receive his meſſage, he anſwered by the ſame ſervant, that it became not an earl to behave in that manner to a king; but that he himſelf would uſe ‡ no ſiniſter arts of conquering, nor did he truſt to the advantage of any ground. Surrey having received this anſwer, and his army being reduced to great ſtraits for want of proviſions *, was obliged to try ano-

† This letter is dated from the field of Wooller-Haugh, 7th September, at five o'clock in the afternoon. Stowe, p. 493. The names of thoſe ſubſcribing it, beſides Surrey and his ſon, as given by Stowe, are, Thomas Dacre, Clifford, Henry Scrope, Ralph Scrope, Richard Latimer, William Conyers, John Lumley, R. Ogle, William Percy, Edward Stanley, William Molineux, Marmaduke Conſtable, William Gaſcoigne, William Griffith, George Darcy, William Bulmer, Thomas Strangeways, &c.

‡ *Uſe no ſorcery.* (Hall)

* Hall ſays, that on the day of the battle the Engliſh had no victuals, and were faſting, and that for two days before they had only drank water. Yet, on the day of battle, he ſays, they kept array on horſeback from five in the morning till four p. m. and were always in ſight of the Scots. fol. 12.

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ther method of bringing the Scots to a battle. With this view, having paſſed the Till near the place where he encamped, he marched through difficult grounds † on the eaſt ſide of it; and ſtopping in the neighbourhood of Baremoor-wood, about two miles diſtant from the Scottiſh army, ſpent the night there. A little hill on the eaſt of Ford covered the Engliſh army from the obſervation of their enemies; while, from this eminence, the lord admiral obtained a diſtinct view of all the Scottiſh army and of the hills and fields in their neighbourhood. Upon the admiral and his party, while reconnoitring, or ſome part of the Engliſh army that ſeemed neareſt to them, the Scots fired ſome of their cannon, without any effect. Next morning the Engliſh army, continuing their march in a north-weſterly direction, almoſt to the confluence of the Till and Tweed, did again croſs the firſt named of theſe rivers; the van-guard and artillery over the bridge of Twiſel, and the rear-guard by a ford nigh a mill ‡, about a mile above that bridge; and then the whole army bent their march towards the hill of Flodden. By theſe motions the Engliſh general, putting himſelf between the Scots and their own country, did at once make it neceſſary for them to fight; and had, on this ſide of the hill, an acceſs much leſs difficult and dangerous than on the other.

Paul. Jov.

The Scots had thought themſelves ſecured againſt the approach of their enemies from the oppoſite ſide of the Till, by the depth and bad fords of that river, through a long tract of its courſe on each hand of them, and by a battery of cannon * they had erected, near the foot of the eaſtern declivity of Flodden-hill, bearing full on the bridge of Ford. They ſeem not to have thought of the compaſs that Surrey now made, and upon obſerving his firſt croſſing of the Till, and his marching at ſome diſtance on the other ſide of it, they imagined, that he intended alſo to croſs the Tweed, perhaps by the bridge of Berwick, in order to ravage the fertile country of the Mers, and to draw ſubſiſtence from it to his ſtarving army. In this opinion, the king of Scots is ſaid to have been induſtriouſly confirmed by Giles Muſgrave, an Engliſhman, who enjoyed a great degree of his confidence, and traitorouſly abuſed it to the king's deſtruction. Muſgrave's intention was to draw the king from his heights, to obſerve or purſue the Engliſh. On the other hand, the Scottiſh nobles, who were averſe to the king's hazarding a battle, took occaſion from theſe motions of the Engliſh, to perſuade him to retire without delay into his own country; which, as the Engliſh were plainly moving away from him, when the time prefixed for the battle was ſo near, he might do, without the leaſt violation of his honour. But the king declared an invincible reſolution to keep his ground, and wait for them all the appointed day.

Buchanan.

† *Over many hills and ſtreights.* (Hall.)

‡ Several of the hiſtorians call it Milford. There is no ford now of that name in the neighbourhood. But the name indicates a ford nigh a mill; and the neareſt ford to the bridge of Twiſel being that at the mill of Heaton, about a mile farther up the river, it is probable that this is the ford meant. The caſtle of Heaton was one of the ſmaller fortreſſes which the Scots had demoliſhed in the beginning of this war.

* The veſtiges of the intrenchment for this battery ſtill remain.

When on that day it was perceived, that the Engliſh had again croſſed the Till and were marching in the manner above deſcribed, the Scots could no longer doubt of their reſolution to come to an engagement. In order therefore to receive them with greater advantage, and to pre-occupy the ground which it was believed the Engliſh would attempt to gain on the weſtern ſide of the hill, the Scots, ſetting fire to their huts on the eaſtern part of it, made a motion weſtward; and the ſmoke being driven between the armies, concealed them from each other, until the Engliſh had almoſt arrived at the foot of the hill. Surrey, favoured by the trepidation which the unexpected circumſtances of his approach had excited in the Scottiſh army, and perceiving the aſcent of the hill *, to be ſhort and moderately ſteep, reſolved immediately to give battle.

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The Engliſh army advanced in three diviſions †; the van under Thomas Howard, the general's eldeſt ſon, lord admiral of England; the right wing of

* This hill Hall calls Brumſton, and Stowe ſays, the king was ſlain at Brumſton on Piperd Hill. Hall ſays, the brook at the foot of it, which is but a man's ſtep over, is called Sandyford. A piece of bare rock riſing above the ſurface of the weſt end of the hill, is ſtill called the King's Chair.

† The following account of this battle was inſerted in the table affixed to the duke of Norfolk's monument at Thetford. On the earl's hearing of the king of Scotland's invading England, he made as great haſte towards him as he could, with the king's (Henry's) power of the north parts, and took his lodging in the camp or plain called Wollarhaugh, in the county of Northumberland, which was in the ſight of the king of Scots and all his army then lying on Flodden-hill, a ground more like a camp or fortreſs than any meet ground to give battle on, contrary to his promiſe made to Rouge-croix, pourſivant at arms, before ſent into him from the ſaid earl with a meſſage, that the ſaid earl, with lord Howard, then admiral of England, his ſon, and the noblemen of the north parts, with other the king's ſubjects of the ſame north parts, was come thither to repreſs and reſiſt his invaſions of his ſovereign lord's realm, deſiring the ſaid king of Scots to give him battle. Which his meſſage the king of Scots took very thankfully and joyouſly, promiſing him to abide there on the ſame ground, where he then was: which his promiſe he brake, as is aforeſaid, and took Flodden-hills, a ground impregnable, and ſhot at him his great ordnance, whereas he lay like one minded to keep it like a fortreſs. And when the ſaid earl did perceive, that he had broken his promiſe, and taken ſo ſtrong a ground as Flodden-hills; he then, the ſaid earl, removed all his batail into a plain beſides Barmer-wood, to the entent to get between him and his own realm of Scotland, and there lodged but one night, and on the next morning took his paſſage over the water of ——— at Twyſull Forthe; and then he marched the ſaid king and his hoſt in ſuch manner as he got between him and his aune realm of Scotland; by force whereof the king was fain to leave his camp and to prepare himſelf to battle with the ſaid earl, on a hill beſides Bramſton in Northumberland, very near unto Sandyford, where the ſaid earl, with the good aſſiſtance of the noblemen, and the power of the ſaid north parts, fought with the ſaid king, and him vanquiſhed and ſlew in plain battle, directly before his own ſtandard. In which battle, were ſlain on the Scottiſh part, two biſhops, eleven earls, ſeventeen barons, four hundred knights, beſides other gentlemen, with ſeventeen thouſand in number, which were numbered as well by Scottiſh men as by them that did bury the moſt part of them. And of truth divers gentlemen and others, as well of the ſaid earl's ſervants, as of the north parts, and of Cheſhire and Lancaſhire, were there ſlain.—And this done, the ſaid earl went to Berwick, to eſtabliſh all things well and in good order, and ſent for the dead body of the king of Scots to Berwick; and when the ordnance of the king of Scots was brought off the field and put in good ſurety, and all other things in good order, then the ſaid earl took his journey towards York, &c.

Dugd. Baron. vol. ii. p. 270, 271. from Weaver's Fun. Mon. p. 834.

According to Hall, whoſe account of this battle appears in ſeveral reſpects more accurate than that of other compilers, after the Engliſhmen had paſſed the little brook of Sandyford, and each army had a clear view of the other, the lord admiral perceiving the Scots approaching towards him,

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of it being led by Sir Edmund Howard, brother to lord Thomas, and knight marſhal of the army. The middle diviſion or main battle was led by the earl of Surrey in perſon, and the rear by Sir Edward Stanley. The lord Dacres commanded a body of reſerve, conſiſting of horſemen. The ordnance was placed in the front of the battle and in the ſpaces between the diviſions. The van of the Scottiſh army was led on the right by Alexander Gordon earl of Huntley *, and on the left by the earls of Crawford and Montroſe, and, according to ſome, the lord Hume. The king was in the middle or main body.

Herb. p. 18. Stowe, 492, 493. Hol. Eng. Chr. 828. Buchan. l. 13. Drummond. Paul. Jov. l. 10.

drawn up in four great bodies, armed with long ſpears like mooriſh pikes, ſent to his father the Agnus Dei, that hung at his breaſt, as a token, accompanying a requeſt, that, as the van of the army was not ſufficiently ſtrong or extenſive to receive the brunt of the whole Scottiſh army, his father would bring up the forces of his diviſion, and range them in one line with thoſe of the van. The Engliſh general, convinced of the expediency of this diſpoſition, immediately advanced with his forces, and drew them up to the left of thoſe of his ſon. The Engliſh artillery then beginning to play, and doing conſiderable execution among the Scots, made them with greater expedition deſcend the hill; which, according to this author, they did all about the ſame time. And firſt, Sir Edmund Howard, who was on the right or weſtmoſt part of the Engliſh army, was encountered by the lord chamberlain of Scotland, with his battle of ſpears, to the number of ten thouſand. This wing of the Engliſh was totally broken, and Sir Edmund their leader in the greateſt hazard, as is mentioned in the text. Next to the eaſt was the lord admiral, with whom encountered the earls of Crawford and Montroſe, both which earls were ſlain, with many of their followers. Eaſtward from the lord admiral, was his father the earl of Surrey, toward whoſe ſtandard the king of Scotland directed his attack, attended by many of his nobles, barons, and ſpearmen, on foot, all very firmly armed. The Engliſh army was cloſed on the eaſt by the left wing of the general's diviſion, commanded by Sir Edward Stanley, who mounting the hill before the Scots were aware, encountered with the earls of Huntley, Lennox, and Argyle, of which the two latter were ſlain; and Huntley mounting a horſe ſaved himſelf by flight. Stanley purſued the Scots over that part of the field where their king had been engaged; and his men leaving the purſuit ſpoiled the dead bodies of the king, and thoſe who had fallen with him. Hall. H. VIII. f. 41, 42.

The account of the battle of Flodden, contained in the inſtructions to Andrew Brownhill, envoy from the regency of Scotland to Chriſtian II. king of Denmark, and dated January 16, 1514, though ſhort, and certainly not free from partiality, yet ſerves to illuſtrate, and is, at the ſame time, illuſtrated by the more circumſtantial hiſtory of it we have given. "Genitor noſter ſubitarium "conflat exercitum,——et Angliam ingreſſus caſtella aliquot, paucis diebus, capit et expugnat. "Nec ſatis cautè verſatus eſt exercitus noſter, et jam fractus; aliis laborum et rei militaris inſuetis, "aliis morbo et aeris intemperie languidis domum dilapſis, rex nobis genitor, cum regni paribus et "nobilium manu in hoſtili agro ſubſidet, *ſtatariam pugnam* (a) expectat. Sed Angli dolis intenti, "locum et horam belli ſtatuto die detrectantes, pugnam diſſimulant; donec ſub veſperum, loco "undique munito et paludoſo, ſe oſtentant. Quos in conſpectu ferre pater nobis chariſſimus "impatiens, nullo ſuorum ordine ſervato, ex loco ſatis adverſo et maligno, audacius decurrit in "hoſtem; et primus ipſe, aut inter primos ſe et plurimos regni nobiles inconſultus perdidit, "bellicas machinas et exercitus ſarcinas amiſit, cæſis tamen ex hoſtibus multo ſupra quam ex noſtris. "Sed nobiliores viri a fronte, et acie apud nos ceciderunt; contra apud hoſtes optimus quiſque in "ſubſidiis et a tergo ſteterat." Ep. R. Sc. p. 187.

(a) A pitched battle.

* According to Leſly, the earl of Huntley led the right wing of the Scottiſh army, accompanied by lord Hume; the earls of Crawford and Montroſe the left; and the king kept the middle ward with the earls of Argyle and Lennox on either hand of him. Leſl. p. 364. According to Paulus Jovius, James drew up all his forces in five ſquare bodies, ſo that the third of theſe *(tertium agmen)* in which the royal ſtandard was erected, and all the chief men fought, was incloſed on each ſide by a double line, forming, as it were two wings *(duplici utrinque acie tanquam duobus cornibus claudentur)*. On the right, Huntley, Crawford, and Montroſe; and on the left, Hume, Lennox, and Argyle, men celebrated for their military ſkill, had the chief command. Jovius adds, that the king ſet knights or gentlemen over the ſeveral bands, and with theſe ſome French officers, whom Louis had ſome time before ſent over to Scotland to teach military diſcipline.

A third diviſion was commanded by the earls of Lennox and Argyle, with whom were Mackenzie, Maclean, and the Highlanders. Adam Hepburn earl of Bothwell, with his kindred and clients, and the gentry of Lothian, formed a body of reſerve. The Scots had alſo a conſiderable train of artillery. The advantage of cannonading was wholly on the ſide of the Engliſh, the great guns of their enemies being planted ſo high as to ſhoot over their heads; while thoſe of the Engliſh were ſo well directed, that the chief cannoneer of the Scots was ſlain, the inferior gunners driven from their pieces, and ſeveral in the center of the Scottiſh army killed by the ſhot. But the earls of Lennox and Argyle, together with lord Hume, moving with a body of ſpearmen, ſupported by ſome horſe, down the hill towards Brankſton, made a fierce attack on the wing commanded by Sir Edmund Howard, who was advancing boldly towards them. The ſhock was violent, but the Scots prevailed; and Sir Edmund was reduced to the laſt extremity, himſelf beaten down the third time, and in immediate hazard of being killed or taken; when lord Dacres, and the baſtard Heron, who had joined the Engliſh army, with a troop of fierce outlaws, his followers, came in time to his reſcue. Sir Edmund, thus relieved, immediately joined the body commanded by his brother lord Thomas, and the two brothers advancing againſt the earls of Crawford and Montroſe, whoſe men were armed with ſpears, a ſharp conflict enſued, wherein the Scots were put to the rout, and the two earls ſlain. On the other ſide of the field, Sir William Stanley, by the inceſſant ſhot of archers commanded by himſelf, Sir William Molyneux, Sir Henry Kickley, and others, of Lancaſhire and Cheſhire, forced the Scots to break their array, and come down to more even ground, where being attacked by three different bands, they were diſcomfited and put to flight; the earls of Argyle and Lennox being ſlain on the ſpot. What the Engliſh writers aſcribe to their archers in this part of the battle, the Scotch attribute to the undiſciplined ferocity of the Highlanders, who, animated by the ſucceſs of the attack made on the wing of the Engliſh, commanded by Sir Edmund Howard, could not be reſtrained from ruſhing down the hill upon their enemies in a precipitate and diſorderly manner; notwithſtanding the ſignals, cries, and menaces, of La Motte the French ambaſſador. The king of Scots was ſeized with the ſame warlike rage; for no advice, no remonſtrances of his attendants, could hinder him from expoſing his perſon in the thickeſt of the battle. Being joined by the earl of Bothwell and his band, he charged on foot *, at the head of his beſt men, who were ſo firmly armed as to ſuffer little from the arrows of the Engliſh. The attack made by him was puſhed and maintained ſo vigorouſly, that he had almoſt overthrown the ſtandards of the earl of Surrey; who at the ſame time was exerting all his powers, both as a ſkilful commander and valiant ſoldier. But the wings of the Scottiſh army being totally routed, the lord Howard and Sir Edward Stanley, with their victorious followers, returned to the place of action, and aſſailed on each ſide, the remnant of the Scottiſh army that ſtill fought around

James IV. K. of Scotland. 1513.

Paul. Jov.

Buchanan.

* This, according to Paulus Jovius, was the *cuſtom of the nation*; *ut æquato omnium periculo, et ſpe fugæ ſublata, ſimul et corporis robur et animi virtutem oſtenderet.*

their

Henry VIII. K. of England. 1513.

their king, which was attacked alſo on the rear by lord Dacres's horſe. What alone remained to the Scots was, a deſperate effort of fighting in a circle againſt their foes encompaſſing them on every ſide; nor could any thing be gained by this but the ſelling of their lives at the deareſt rate. The king ſeeing his ſtandard-bearer Sir Adam Forman fall, and diſdaining the thoughts of captivity, preſſed into the middle of his enemies, by whom, with many wounds, he was ſlain *. Nigh to him fell his natural ſon, the archbiſhop of St. Andrews, a youth of the greateſt hopes; and in the circle, three other eminent churchmen, with an amazing number of nobles and gentlemen †.

This memorable battle began at four o'clock in the afternoon, and continued until darkneſs obliged the combatants to give over. Nor were the

* That this was truly the king's fate, may be inferred from the univerſal conſent of the Engliſh; to many of whom his perſon could not but be familiarly known. The lord Dacres, in particular, who is ſaid to have diſcovered his dead body, had not long before been ambaſſador at his court. The king's acknowledged military proweſs, and the accounts in which the hiſtorians of the two nations agree, of the manner in which he engaged his enemies, and was ſurrounded on all ſides, make his fall highly credible; eſpecially, as almoſt all his attendants were certainly ſlain. It is related, that the Scottiſh nobles had perſuaded the king to have ſeveral perſons furniſhed with armour, reſembling that which he wore himſelf, as had not long before been practiſed, for the ſafety of the French king Charles VIII. at the battle of Fuornovo in Lombardy. Alexander lord Elphinſton, being one of thoſe equipped in this manner, did at the ſame time much reſemble the king in looks and ſtature; and it is conjectured, that the Engliſh miſtook his dead body for that of the king. But is it not probable, that the Engliſh would be acquainted with this contrivance, and by the ſtrictneſs of their inquiry, the means whereof they had certainly in their power, would endeavour to avoid any ſuch miſtake? And is it not rather probable, that the perſon, who was ſeen by Laurence Tailfer (Buchanan's Evidence, l. 13.) croſſing the Tweed, and was affirmed by him to be the king, was ſome one of thoſe who repreſented him; eſpecially when it is conſidered, that this paſſing of the Tweed muſt have happened in the evening? In ſo general a deſtruction of his king and fellow nobles, it was conſidered as a reproach to Hume, that he ſhould remain alive; and the ignominy and odium was increaſed by his bringing off unhurt a great part of his followers. If the king was indeed killed by any of theſe, as one of them, Calbreath, is ſaid afterwards to have boaſted, (according to whom the murder was perpetrated nigh Kelſo,) perhaps they gave him the fatal blow on the field of battle, where ſome of Hume's people ſpent part of the night in rifling the dead. As to Carr, another follower of Hume, driving the abbot of Kelſo out of his houſe the night after the battle, it may be very well ſuppoſed, that thoſe who left the field in the evening had good reaſon, from what they had ſeen, to be perſuaded that the king was dead, although they were nowiſe concerned in killing him. It ſeems evident, that the court of England had no doubt of having the dead body of the king in their poſſeſſion, from Henry's ſoliciting and obtaining a diſpenſation from the pope, who had fulminated his ſentence of excommunication againſt James, on account of his breaking the peace with England, to give the body chriſtian burial; which Henry intended ſhould be at St. Paul's. But it may be alleged, that this funeral being never celebrated, looked as if doubts had ariſen about its being the real body of the king. It was tranſported firſt from Berwick to Newcaſtle, and thence to the monaſtery of Shene or Richmond; where, after the diſſolution of that monaſtery, it was ſhewn to Stowe the chronicler, wrapt in lead, and lying in a room full of rubbiſh. Chr. p. 494. Alſo Survey of London.

† Abercromby's liſt of ſlain contains the following perſons, viz. Alexander Stewart archbiſhop of St. Andrews, George Hepburn biſhop of the Iſles, William Bunſh abbot of Kilwinning, Laurence Oliphant abbot of Inchaffray, the earls of Crawford, Lennox, Errol, Athol, Morton, Argyle, Montroſe, Caſſils, Bothwell, Rothes, Caithneſs, Glencairn. The lords Seton, Maxwell, with his three brothers, Borthwick, Sempill, Erſkine, Forbes, Elphinſton, Yeſter, St. John's, Harris, Innermeath, Sinclair, Roſs, Douglas maſter of Angus, and his brother Sir William of Glenbervy, maſters of Ruthven, Marſhal, Lovat, Oliphant. There are beſides in Abercromby's catalogue, ſeventeen knights and twenty-five gentlemen, heads of families of note.

Engliſh

Engliſh altogether aſſured of their victory until the return of day. A conſiderable body of borderers commanded by lord Hume, had ſtood aloof during the moſt dangerous part of the battle; and it is ſaid, that when that lord was required by the earl of Huntley, to attempt to diſengage the king, he anſwered, that *the man did well that day, who ſtood and ſaved himſelf* *. During the night the followers of Hume made a great booty by gathering the ſpoils of the ſlain; and at the ſame time, the banditti of Tindale and Tiviotdale, that like birds of prey had been hovering in the neighbourhood, were employed in rifling the tents and ſtealing the horſes of the Engliſh. When the light of day returned, the fields were ſeen wholly evacuated of the Scots; and their cannon, in number twenty-two, ſtood deſerted on the ſide of the hill. The Engliſh general immediately cauſed ſolemn thanks to be offered to Heaven for the victory, and created on the field thirty-five knights. The heaps of ſlain were next examined, among which, the dead body of the king was diſcovered by lord Dacres, who ſhewed it, after it was carried to Berwick, to Sir William Scot the Scottiſh chancellor, and Sir John Forman his ſerjeant porter, who had been taken priſoners in the battle, and by them it was immediately known. Being embowelled and wrapt in lead, it was kept at Berwick until the king's pleaſure concerning it was known. To that place were alſo carried the Scottiſh ordnance, among which were ſeven fine culverins, from the ſameneſs of their make and ſize, called by the king, *the ſeven ſiſters*. The accounts of the number of ſlain in this battle, as in moſt others, are very different. Buchanan relates, that it appeared from liſts taken up through the ſeveral counties of the kingdom, that the loſs of the Scots exceeded five thouſand. But the quality of the ſlain enhanced this loſs beyond expreſſion. Some of the Engliſh writers compute the loſs of their countrymen to have been only one thouſand five hundred killed and taken priſoners; but, though the number had been much greater, as the Scotch hiſtorians affirm it was, yet when compared to the deſtruction of their enemies, it was of no conſideration, as ſcarce an Engliſhman of note † fell in the battle.

James IV. K. of Scotland. 1513.

Hall. f. 43, Stowe.

Although Surrey gained this great victory at ſo ſmall a diſtance from the marches of the two kingdoms, yet he did not proſecute it, by paſſing them with any part of his army; which may be aſcribed to his commiſſion, confining him to a defenſive war, to the inclemency of the weather and ſcarcity of proviſions, or perhaps to the loſs of greater numbers in the late action, than the Engliſh writers acknowledge. He was ſoon after, in reward of his ſignal ſervice, created duke of Norfolk; a title which had been conferred by Richard III. on his father, who fell fighting on the ſide of that tyrant in Boſworth field. An augmentation was appointed to his arms ‡, expreſſive of his

A. D. 1514. Feb. 2. Dugd. Bar. ii. 268. Hall. f. 46.

* Yet in Abercromby's liſt, are theſe gentlemen of the Mers, David Hume of Wedderburn, James Haig of Bemerſide, Cuthbert Hume of Faſtcaſtle, Robert Blackader of Blackader, William Spotſwood of Spotſwood.

† This circumſtance ſhews, that much execution was done by the Engliſh artillery and archers.

‡ This was, on the bend thereof, the upper half of a red lion, painted like that in the arms of Scotland, pierced through the mouth with an arrow; another proof of what was obſerved above, that the victory was chiefly owing to the Engliſh bowmen.

victory

Henry VIII. K. of England. victory over a king of Scotland; and his late title of earl of Surrey was given to his ſon the lord admiral. Sir Edward Stanley was ſoon after created lord Mounteagle; and letters were written in the name of the king, after his return from France, to all perſons of note who had fought in his army at Flodden, extolling their gallant behaviour, and aſſuring them of more ſolid fruits of his gratitude, as opportunities ſhould ariſe of conferring them.

1514.

James V. K. of Scotland. The ſtate of Scotland, in conſequence of the late overthrow, was deplorable. Their king was an infant about ſeventeen months old; and many of the heads of the principal families of his kingdom were either in nonage, like their ſovereign, or in the period next to it, wild and unexperienced youth. This ſituation of affairs opened a tempting field to the few that were left of more mature age, and whoſe ambition and private intereſt had a greater ſway over their minds, than the duty they owed to their country. The late king, by a teſtament he had made previous to his fatal expedition, had appointed, on the event of his death, the queen to be regent * of his kingdom, as long as ſhe continued unmarried. This appointment the eſtates of the kingdom ratified, and by doing ſo, advanced, for the firſt time known in Scotland, a woman to the place of ſupreme authority †. But their condition was very forlorn, and it appeared a good mean of conciliating the favour of the Engliſh monarch, to confirm to his ſiſter the honourable ſtation which her deceaſed huſband had allotted her. Accordingly, the queen having become an humble ſuppliant to Henry for his pity and protection to herſelf and infant ſon, was favourably heard; the Engliſh monarch declaring, that the Scots ſhould have peace or war from him, according to their own choice and behaviour. Henry had not yet diſengaged himſelf on the ſide of France, and his continental alliances had not produced the expected aids. Hence it proved no leſs a dictate of policy than of humanity, to ſuſpend hoſtilities on the ſide of Scotland. A truce was therefore ſoon concluded, to continue for a year and day ‡.

Drum. p. 79.

Leſly, p. 368.

Auguſt 7. Towards the end of the following ſummer, a peace was concluded between Henry and Louis XII. of France, to continue during the life, and for a year after the deceaſe, of the prince who ſhould die firſt. In this treaty of peace, the king and kingdom of Scotland were comprehended as allied with the French king; but it was agreed, and made an article in the treaty, that if the

Rym. vol. xiii. p. 419.

* Margaret, joining her name to that of her ſon in letters written in the beginning of his reign, calls herſelf *Regina Scotiæ et teſtamentaria regis tutrix.* Epp. RR. Sc. 1. 190. 200. &c.

† The States appointed to her for counſellors, James Beton archbiſhop of Glaſgow, and chancellor of the kingdom, the earls of Huntley, Angus, and Arran. Leſl. l. 9. Buchanan ſays, that the command of the country to the ſouth of the Forth, was given to Alexander lord Home, and of the northern part of the kingdom to Huntley.

‡ The exiſtence of this truce ſeems doubtful from what the duke of Albany, governor of Scotland, writes two or three years after to Chriſtiern king of Denmark. He ſays, that at his arrival in Scotland, (which was in May 1515) the nobles and common people of the kingdom deſpiſed and oppoſed a truce with the king of England, becauſe they breathed after either a revenge of their late misfortunes, or death; that they had had frequent and ſucceſsful rencounters with the enemy; had done more damage to the Engliſh, than they had received from them; had with ſmall numbers reſiſted a proud and exulting enemy, although their king was a child, the governor abroad, and the faction of the queen oppoſed their proceedings, or divided the nation (*in diverſa diſtraherent*). Ep. RR. Sc. 1. 259. There is no ſuch treaty of truce in Rymer.

king

king or any lieutenant or warden of his marches, or any Scottiſh ſubject, by commiſſion or allowance of the king or his warden, ſhould, after the 15th of September next enſuing, enter England, and there commit hoſtilities on the ſubjects of that kingdom, the preſent comprehenſion ſhould, in conſequence of ſuch proceedings, be void; which ſhould alſo be the caſe, if any of the ſubjects of Scotland hoſtilely invaded England with three hundred men, or upwards, and the king of Scotland or his warden, after being duly warned, ſhould not within forty days cauſe reſtitution and redreſs to be made, and juſtice to be executed, agreeably to the laws and cuſtoms of the marches, that were in force during the late peace; but in caſes where the above-mentioned hoſtilities were committed by a ſmaller number, then juſtice ſhould be done, in the manner eſtabliſhed by the treaties of the peace aforeſaid. All converſation, commerce, and intercourſe of trade between the kingdoms, were to continue the ſame as during that peace: and the king of England, his lieutenants, wardens, and ſubjects were, on their ſide, equally bound to abſtain from all acts of injuſtice and violence againſt the ſubjects of Scotland; and in every reſpect to hold the ſame conduct towards them, as was before preſcribed to the Scots with regard to the Engliſh. James V. K. of Scotland. 1514.

Almoſt at the ſame time that this treaty was concluded between France and England, the queen regent of Scotland, paſſion triumphing over policy, married the earl of Angus *, the moſt illuſtrious and moſt amiable of the Scottiſh youth. By this ſtep, ſhe forfeited her title to the regency, as ſettled by the laſt will of her huſband; and the ſtates of the kingdom now availed themſelves of that ſettlement to deprive her of her authority. The elevation of Angus by ſo high an alliance moved the envy of many, and this exaltation ſeemed altogether intolerable, if the ſupreme power ſhould ſtill remain in the queen. The lord Home, whoſe great offices of chamberlain of the kingdom and warden of all the marches, added to his extenſive poſſeſſions and numerous kindred and dependents, made him the moſt powerful ſubject in the kingdom, was particularly jealous of the greatneſs of Angus. The inhabitants of Lidſdale and Annandale had long been dependents on the family of Douglas, and now began to range themſelves under the chief of that name, whoſe high alliance gave a new luſtre to his ancient houſe. And the aid and ſupport which this match of Angus gave him the proſpect of obtaining from England, made him greatly formidable to a rival chieftain, whoſe whole power lay in the border counties. Theſe circumſtances made Home moſt earneſt to deprive the queen of her power; while his deſpair of ſucceeding to it himſelf, and his invincible averſion to ſee it placed in the hands of any of his fellow nobles at home, made him equally zealous to have it conferred upon John duke of Albany, who was born and educated, and had reſided all his life in France. John was the ſon of Alexander brother to James III. who, as hath been related above, was, in conſequence of his ambitious enterpriſes againſt Aug. 6. Leſl. 370. Drum. 80. Godſc. 241.

* Took to huſband. (Herb.) Yet Drummond thinks, that this match proceeded no leſs from policy than love; the queen hoping, by the help of Angus, to be more able to maintain her authority againſt a powerful and factious nobility. Drum. p. 80.

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the king his brother, obliged to fly for refuge to France, where he ended his days. Although Alexander died while under condemnation and forfeiture for his treaſon, yet it was urged, that his ſon, being the neareſt in blood of the male-line to the king, had, by the ancient cuſtom of the kingdom, a title to the tutorage of the king's perſon, and the regency of the kingdom during the ſovereign's minority. A numerous party were inclined to confer this high charge on the earl of Arran, who by his mother ſtood in the ſame degree of relation to the king, as Albany did by his father. But the faction on the ſide of Albany prevailed, chiefly by the influence of Home, who was the firſt that ſubſcribed the deed of his election; and is ſaid to have declared, in the moſt public manner, that, though all the reſt of the nobility ſhould oppoſe Albany's coming into Scotland to aſſume the government, he alone would conduct him from France, and put him in poſſeſſion of his high office.

A. D. 1515. Jan. 1.

In the interval between the election of Albany and his arrival in Scotland, Louis XII. the French king died; and Francis having ſucceeded him, there was a renewal of the treaty of peace betwixt France and England; which, like the former, was to continue during the life of the prince who ſhould die firſt, and a year after his deceaſe. This treaty was concluded at London on the 4th of April; and Scotland was again comprehended in it as an ally of France, provided that after the 15th of May the Scots did not commit ſuch acts of hoſtility as were deſcribed in the treaty of Auguſt laſt. In order to give validity to this comprehenſion, the acceptance of it was to be procured from the king of Scotland, and to be intimated by the king of France to his ally of England, within three months after the date of the treaty. There was a like condition in the former treaty; but the unſettled ſtate of the kingdom, ariſing from the queen's marriage and the abſence of the governor, had hindered its fulfilment. In order to carry it into effect now, the king of France ſent over into Scotland Villebreſme a lord of his bedchamber, who preſented his maſter's letters to thoſe who had the adminiſtration of public affairs in that kingdom, on the 3d of May. An anſwer to this letter was written in their maſter's name, twelve days after, and ſubſcribed by a conſiderable number of the nobles and clergy, wherein they accepted and ratified the offered peace; moved thereto, as they ſaid, by the earneſt ſolicitations of their ancient ally the French king, by their regard to their Holy Father Pope Leo, whoſe nuncio Balthazar Stewart* had remained with them a whole year, on purpoſe to procure peace between them and England; and that it might appear that the Scots could forgive their private injuries, for the ſake of bringing about a general union of Chriſtian potentates againſt the Turks. They take notice in this letter, of their late heavy misfortunes known to all the world; but affirm, that their ſucceſsful conflicts ſince that time with their enemies, had taught them to entertain better hopes, and to repay the damages they had ſuſtained; adding, that at preſent, while the ſenſe of their ſufferings was recent in their memories, and they had learned to dread leſs the ſtrength of their foes, it

Rym. vol. xiii. p. 482.

Rym. ib. 508.

Ep. RR. Sc. vol. i. p. 224.

* Balthazar Stewart is mentioned with great commendations, and acknowledged as a kinſman of the blood-royal, by the duke of Albany, in a letter to Pope Leo X. Ep. RR. Sc. vol. i. p. 212.

would

James V. K. of Scotland.

would not have been wonderful, if they who had not hitherto thought even of a truce with their enemies, ſhould have refuſed the peace that was now offered them. Three days after this anſwer was given by the ſtates of Scotland, the duke of Albany arrived on the weſtern coaſt of that kingdom; and four days after his arrival, in a letter dated at Glaſgow, and addreſſed to the French king, he notified, in quality of regent and protector of Scotland, his approbation of the acceptance of the peace, which had been ſo lately declared by the council of the infant king, and the prelates and lords of his kingdom.

1515. May 18. Ep. RR. Sc. vol. i. p. 223. Rym. vol. xiii. p. 510.

Soon after Albany's arrival, a parliament was held, wherein he was confirmed in his office of regent: and according to the agreement he had made with the ſtates of the kingdom before he left France, the inheritance, titles, and honours of his father, were ſolemnly reſtored to him. Amongſt the reſt of theſe titles was that of earl of March †. Although Albany ſoon gave proofs of ſpirit and capacity, yet being wholly a ſtranger to the affairs of Scotland, he was obliged to draw his knowledge of them from the information of others. This was an unhappy circumſtance for the lord chamberlain; who, although he had been able to put into Albany's hands the reins of ſovereign power, was probably deficient in thoſe talents that qualified him for being a confident and counſellor to this ſtranger ‡. But ſuch arts were poſſeſſed in a great degree by John Hepburn prior of St. Andrews, Home's implacable enemy; who ſoon inſinuated himſelf into the moſt entire confidence with the regent. Hepburn's reſentment againſt Home had been excited by the part acted by the latter, in a competition for the archbiſhoprick of St. Andrews, which Hepburn had with Andrew Forman biſhop of Murray, and Gavin Douglas biſhop of Dunkeld, uncle to the earl of Angus. Forman, long employed in public affairs, and in high credit at the courts of Rome and France, claimed, upon a bull of proviſion from Pope Leo *; Gavin Douglas had the intereſt and ſupport of the queen-dowager; and Hepburn was elected by the convent of St. Andrew's, whereof he was Prior. Douglas had got poſſeſſion of the caſtle; from which Hepburn expelled his garriſon: but lord Home, who eſpouſed the intereſt of Forman, accompanied by a great body of his kindred and dependents, cauſed the Pope's bull in favour of that prelate, to be proclaimed at the croſs of Edinburgh. Forman, by his birth, was a client of Home §, but this attachment was ſtrengthened by other ties, and particularly by

Drummond, p. 81.

Ep. RR. Sc. vol. i. p. 124. 128.

Godſc. p. 243.

† He was duke of Albany, earl of March, of Marr, and of Garrioch, lord of Annandale and Man. Ep. RR. Sc. vol. i. p. 257. The parliament after his arrival began on the 12th of July at Edinburgh. Black Acts.

‡ According to ſome, lord Home came to the governor at Dunbarton, accompanied with ten thouſand horſe, whereupon the governor ſaid, he was too great to be a ſubject. According to others, he came with his houſehold only, conſiſting of twenty-four horſe, in Kendal-green, which was his livery; and the duke ſlighted him with this ſentence, *minuit præſentia famam*; being a man of low ſtature, and carrying no appearance of much ſtuff to be in him, by his outſide. Godſ. p. 243.

* His late maſter, James IV. had given him a general licenſe to ſolicit a proviſion of this kind for himſelf, and for John Forman precentor of Glaſgow. Ep. RR. Sc. vol. i. p. 110.

§ He was of the Formans of Hutton. The duke of Albany, in a letter to Pope Leo, full of his praiſes, mentions the antiquity of his family *(generis antiquitate, meritis et virtute fulgentem)*.

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by Forman's procuring the priory of Coldingham to David Home, lord Home's youngeſt brother (*a*). Hepburn having made an advantageous compoſition with Forman ‡, a man of unbounded generoſity, reſigned to him the poſſeſſion of the ſee; but retained a violent animoſity againſt Home, whom he conſidered as the principal author of his diſappointment. The confidence, therefore, which he ſo ſoon obtained with the new regent, was chiefly employed to give the worſt impreſſions of the lord chamberlain, as a man exceedingly dangerous, by his exceſſive power, unbounded ambition, and intractable ſpirit; whoſe behaviour at Flodden had ſhewn the malignity of his heart, and his utter diſregard of the ſafety of his king and country.

(*a*) He was the youngeſt of ſeven brothers.

Godſc. p. 243.

The influence of theſe repreſentations quickly appeared in the governor's behaviour to the lord chamberlain. This bore the plaineſt marks of alienation and diſtruſt; which the haughty ſpirit of Home not being able to brook, he was immediately filled with projects of revenge. Angus and the queen-dowager, lately the principal objects of his jealouſy, became now the perſons whom he courted as friends and confidents, and to whom he imparted all his complaints. He lamented the conſequences, preſent and future, of his own counſels, acknowledged his error in putting the king and kingdom into the hands of a ſtranger, and perſuaded the queen and earl to carry off into England the king and his brother; who could not but be in the greateſt danger from the governor, who, after them, was neareſt heir to the crown; and who had already given ſuch manifeſt proofs of ingratitude and inordinate ambition. The queen and Angus were ſufficiently prone to liſten to ſuch diſcourſes; and meaſures were already concerting for carrying off the infant princes, when the governor, having received intelligence of the plot, made a ſudden and expeditious march from Edinburgh to Stirling, where the king and his brother reſided, and taking them out of the cuſtody of the queen, committed them to the charge of certain lords on whoſe fidelity he depended.

Herbert. Auguſt 3. Holingſhed.

Ep. RR. Sc. vol. i. p. 219. An elegant letter of Pope Leo to the queen-dowager and her council, dated 8th December 1514, is alſo full of his praiſes. His brother Sir John Forman of Dalvene, obtained a conſiderable eſtate in the ſhire of Roxburgh, by the marriage of Helen Rutherford, one of the two ſiſters and coheireſſes to Rutherford of that ilk. This Sir John was probably James IV.'s ſergeant porter, mentioned in p. 495; and Sir Adam Forman, that prince's ſtandard-bearer, who fell in the battle of Flodden, was, it is likely, of the ſame family. There is in the collection of royal charters, a charter of the lands in Hutton to Adam Forman in 1426. B. ii. No. 70. There is alſo a Robert Forman dean of Glaſgow, ſaid to have once been one of the king's houſehold, and provided by the Pope to the biſhoprick of Aberdeen, mentioned in Ep. RR. Sc. vol. i. p. 220. He was obliged to reſign this biſhoprick, having obtained the Papal proviſion without the royal recommendation. Ib. He was ſent, in 1506, being at that time dean of Glaſgow and chancellor of Moray, ambaſſador along with Lyon king at arms, to Charles the young king of Spain and duke of Burgundy, and to other potentates and ſtates in the north. Ib. vol. i. p. 45.—58.

Keith's Sc. Biſhops, p. 22.

‡ Forman, and his friends, on this occaſion, reſigned the archbiſhoprick of Bourges, which Forman had received from Lewis XII. of France, the *commendam* of the abbacy of Arbroath; alſo the biſhoprick of Murray, which Forman himſelf poſſeſſed; the monaſtery of Dryburgh and the monaſtery of Kilwinning; beſides other benefices and annual penſions. Forman retained only the archbiſhoprick of St. Andrew's, together with the monaſtery of Dunfermling, and that not entire. Ep. RR. Sc. vol. i. p. 217. Hepburn accepted, in the way of compoſition, the biſhoprick of Murray, and 3000 crowns by year, together with a diſcharge for all by-paſt intromiſſions. Godſcroft, p. 243.

Angus and the queen, dreading the conſequences of the governor's reſentment, ſought ſhelter firſt in the ſtrong caſtle of Tantallon, which belonged to the Angus family; but not chuſing to be ſhut up there, they fled to Berwick, from whence they had a convoy to the nunnery of Coldſtream; where they remained as in a ſanctuary, until they knew the pleaſure of the king of England, to whom they had ſent an account of their ſituation. The king gave orders to lord Dacres, the warden of his marches, to receive them into his protection, and aſſigned them the caſtle of Harbottle for their reſidence *; where the queen was ſoon after delivered of lady Margaret Douglas, grandmother to James VI. The lord Home alſo, and his brother William, the principal partners in Angus and the queen's guilt, fled from court, and ſought refuge in the borders of England.

James V. K. of Scotland. 1515. Aug. 12. Holingſhed. Oct. 7. Herbert.

The governor, apprehenſive of the dangerous impreſſion which the complaints of the queen might make on the mind of her brother the king of England, took care by his ambaſſadors to vindicate himſelf, and to give the ſtrongeſt aſſurances that ſhe might with perfect ſafety return to Scotland when ſhe pleaſed. He made no ſuch ſhow of lenity to the chamberlain; for having denounced him a rebel, he ſent the earls of Lenox and Arran with a ſufficient force to ſeize his lands and caſtles for the king. Some of thoſe who were employed in this ſervice, are ſaid to have been killed by the exploſion of a train of gunpowder, which was laid in the entrance of the caſtle of Home. The chamberlain, with his deſperate followers, ſeeking to revenge this treatment, and diſturbing the peace of the borders ſo much, that no march-days could be held, the governor found it neceſſary to march in perſon with ſome bands of French ſoldiers, to put an end to theſe diſorders. At the ſame time he employed the friends both of Angus and Home, to perſuade them to return to their duty, and to give them, in his name, hopes of impunity for what was paſt, and of obtaining from him their reaſonable pretenſions and demands. Theſe diſcontented lords, finding themſelves in a ſituation that admitted no ſafer reſource, accepted of the governor's aſſurances, and ſubmitted themſelves to his pleaſure. The lord Home came in on the 6th of October, and, together with one of his brothers †, was ſent to the caſtle of Edinburgh, where they were committed to the cuſtody of the earl of Arran, who had married their ſiſter. But this confinement was of a ſhort duration; Home having prevailed with Arran, not only to ſuffer him and his brother to make their eſcape, but alſo to become a party himſelf in a new rebellion againſt the governor. Arran, being the ſon of James III.'s ſiſter, had the next claim, by blood, to the regency, after the preſent governor; and Home perſuaded him, that as he, by his power and intereſt, had raiſed the duke of Albany to that ſtation, he would alſo be able to pull that prince down from it, and to put him in his place. The rebel lords retired to their own provinces; but the ſituation of theſe was ſo diſtant, that their forces could not be ſoon nor eaſily united. This circumſtance, together with the great vigour and expedition of Albany, was the

Leſly, p. 377. Holingſhed.

* Leſly ſays, there was no native of Scotland, man or woman, allowed to enter England along with the queen. Leſl. p. 378. Holingſhed ſays the ſame.

† Leſly calls this brother, Alexander.

ruin

Henry VIII. K. of England. 1515.

ruin of their project; for the governor marching ſpeedily againſt the caſtle of Hamilton, it was ſurrendered to him by his aged aunt, the counteſs, who, at the ſame time, made her ſon's peace with her nephew ‡, and thereby deprived Home of his new ally.

A parliament, which had been ſummoned to meet not many days after the chamberlain's eſcape, condemned and forfeited as traitors, himſelf and his brothers William and David *. But the winter coming on, it was difficult to follow him to his retreats on the borders; and the ſevere proceedings againſt him inflamed his rage, and prompted him to commit new enormities. In perpetrating theſe, he employed the banditti of the borders, who, making an incurſion into Lothian, plundered Dunbar; a town under the immediate protection of the governor; its caſtle being one of the ſtrong places in which he was allowed to keep a garriſon of Frenchmen. He alſo ſtopped near Coldſtream the Lyon Herald, who was going on a meſſage from the governor to the court of England; ſeizing his letters, and detaining his perſon, until the governor ſhould ſet at liberty the chamberlain's mother, who had been commited priſoner to the caſtle of Dunbar. It was no wonder that the confuſions that had ſo long prevailed in the counties bordering on England, had produced violations of the peace with that nation. In order to prevent theſe exceſſes from terminating in an open war, a meeting of Engliſh and Scottiſh commiſſioners was held at Coldingham in January. The governor, who then reſided in the caſtle of Dunbar, ſent thence his commiſſioners to attend that meeting †. On the 17th of the month, they concluded a truce, which was to continue until the next Whitſunday. There was ſome altercation about the Scottiſh fugitives; but it was agreed at laſt, that Angus and Home, with their kinſmen and dependents, ſhould be comprehended in the truce §. Angus ſoon after returned to the Scottiſh court, and was received with particular marks of favour: Home was alſo forgiven; but with an expreſs warning, that if he again broke his engagements, his old faults ſhould be remembered and added to his new. In a parliament held in May, his attainder was taken off, and his eſtate and honours reſtored.

Drummond. Buchanan.

Holingſhed. Leſly, p. 379.

Holingſhed. A. D. 1516. Leſly, p. 380.

Rym. vol. xiii. p. 549.

Ep. RR. Sc. vol. i. p. 238.

Drum. p. 84. Holing.

The truce with England, which expired at the feaſt of Pentecoſt, was renewed at London, on the firſt of June, by ambaſſadors ſent from Scotland ‖, and certain commiſſioners appointed by king Henry to treat with them ⸸. The period fixed for the duration of this truce, was the enſuing St. Andrew's

Rym. vol. xiii. p. 549. Ep. RR. Sc. vol. i. p. 261.

‡ Arran came to Edinburgh, and ſubmitted himſelf to the governor on the 12th of November.

* William was the fifth, and David, as is above related, the ſeventh and youngeſt brother of the family.

† Theſe were, monſieur de Planes, the French ambaſſador, Gavin Dunbar archdeacon of St. Andrew's, and Sir William Scot of Balwery. The treaty of this truce is not publiſhed by Rymer.

§ Patrick Panter, the friend and confident of Angus, who had been committed priſoner to the caſtle of Inchegay, was at the ſame time pardoned and received into the governor's favour. Leſly, p. 382.

‖ There is a ſafe-conduct, dated February 6, to fourteen perſons, or any three of them, coming as ambaſſadors from Scotland. Rymer, vol. xiii. p. 531.

⸸ Theſe commiſſioners were, Nicholas biſhop of Ely, Thomas lord of Grayſtock, and Dacres warden general of the marches towards Scotland; who are empowered to treat of peace and truce with Scotland. Rym. vol. xiii. p. 549.

day.

day. Henry had always declared himſelf againſt the advancement of the duke of Albany to the regency of Scotland, and tutelage of the young king, pretending, as the ground of this oppoſition, his care of his nephew, whom he could not think ſafe, while in the power of one who was preſumptive heir to the crown. The queen dowager of Scotland, after recovery from her lying-in at Harbottle, had gone to her brother's court ‡; where it is probable ſhe gave full vent to her anxiety, about her ſon the king of Scotland, and endeavoured, at the ſame time, to give the moſt unfavourable impreſſions of the governor. It may therefore be aſcribed, at leaſt in part, to a deſire of gratifying his ſiſter *, that Henry ſent by the Scottiſh ambaſſadors, who had been employed in negociating the truce, a letter to the ſtates of Scotland, deſiring them, for the ſecurity of his nephew, and as a foundation for a ſolid and laſting peace between the kingdoms, to remove the duke of Albany from his high office, and oblige him to return to France; declaring, that by not complying with this requeſt, they would reduce him to the neceſſity of employing other means for the preſervation of their infant ſovereign. To this letter of Henry, the ſtates of Scotland ſoon returned an anſwer †, containing a peremptory refuſal of his requeſt; juſtifying their choice of Albany, as agreeable to the ancient law and practice of their own country, as well as the moſt reſpectable conſtitutions of other nations; and declaring, in ſtrong terms, their ſatisfaction with the governor's paſt behaviour, and their entire confidence in his honour and integrity. Albany finding himſelf thus ſupported, ſent immediately to the court of England, la Fayette, a confident of his own, and bearing the title of his lieutenant; whom he charged with certain articles in writing, to be propoſed to Henry for healing paſt differences, and as a baſis for eſtabliſhing and preſerving laſting concord betwixt them. The greateſt part of theſe articles were contrived to gratify the queen in all ſhe could reaſonably deſire for the ſecurity of herſelf, her huſband, and ſon. The governor alſo propoſed, that the truce lately concluded ſhould be prolonged until Midſummer in the following year; and that, in the mean time, rebels, malefactors, or traitors, flying from either kingdom, ſhould not be allowed ſhelter or aid from the ſubjects of the other; but that thoſe who gave it, ſhould be puniſhed in an exemplary manner, and the fugitives themſelves ſent back to their own ſovereign. The articles, abovementioned, were remitted by the king to cardinal Wolſey, his favourite and prime miniſter, with full powers to anſwer them in his maſter's name; and by Wolſey they were all accepted, and ratified, with the addition of a few explanations of ſmall importance §.

James V. K. of Scotland. 1516.

She entered London May 31. Hall.

July 4. Rym. vol. xiii. p. 550.

Rym. ib. p. 574.

July 24. Ep. RR. Sc. vol. i. p. 261.

Domeſtic

‡ The duke of Albany, writing to Chriſtian king of Denmark, ſays, That he had offered the queen dowager, *ſupra jus et equitatem ultra quam par fuit*; but that ſhe *poſt habito marito* had retired to London. Epiſt. RR. Sc. p. 238—261.

* Holingſhed ſays, it was at the requeſt of his ſiſter.

† The lord Home is one of the ſubſcribers of the anſwer to Henry's letter.

§ The Scottiſh commiſſioners, in the courſe of negociating the late truce, had affirmed, that the comprehenſion made of the Scots, by the king of France, in the late treaty of peace with England, had not been violated by them; and proteſted, that it ſhould continue in its full force and effect. But the Engliſh commiſſioners being of a different opinion, it was agreed, that the determination of this

Henry VIII. K. of England. 1516. Drummond.

Domeſtic tranquillity and peace with England being thus happily reſtored, the governor found himſelf in a better condition than he had hitherto been to gratify his private revenge, or to execute public juſtice on the lord chamberlain, who had been the principal author of all the late diſturbances. To this he is ſaid to have been inſtigated by the prior of St. Andrew's, who often viſited him, while he ſpent the latter part of this year at Falkland, and retaining ſtill his implacable ſpight againſt lord Home, endeavoured to perſuade the governor of the abſolute neceſſity of making a ſacrifice to his own and the public ſafety of the life of a chieftain, who, in ſo many notorious inſtances, had ſhewn himſelf a contemner of the ſupreme authority of his country. But whatever were his real motives, it is certain that the governor, on his return to Edinburgh, began to employ means for getting Home into his power. With this view he called a convention of nobles, pretending ſome urgent affairs, about which it was neceſſary to conſult them; and in particular informed Home and his friends, that as theſe affairs particularly concerned the chamberlain, his attendance was much deſired. It is related, that ſuſpicions were entertained by ſome of Home's friends of the deſigns of the governor againſt him, and that they endeavoured to perſuade him, if he went to the convention himſelf, to leave his brother William at home, who, on account of his courage and generoſity, being no leſs reſpected than the chamberlain himſelf, might awe the governor againſt proceeding to extremities; and in caſe of the worſt, might remain a ſupport to his family and name. The fair behaviour of the governor, and Home's own preſumption, rendered theſe entreaties and arguments of no effect: accompanied by his brother William, and Sir Andrew Ker of Fernihurſt, an ally-chieftain of the borders of great renown in thoſe days, he went to court, where he was received with great demonſtrations of regard; but, ſoon after, he was ſeized, together with his companions, and put into ſure cuſtody. They remained not long there until they were produced in judgment, and ſubjected to the ſentence of an aſſize, according to the laws of their country. It is not diſtinctly related, what new matters of accuſation were brought againſt the chamberlain. Probably the exceſſes on the borders, committed by his direction or connivance, and ſome of which perhaps were ſufficiently recent, were regarded at that time, on the account of their frequency, as offences too trivial for giving ground to ſuch ſevere proceedings. But agreeably to the condition of his laſt pardon, his former offences were now revived, and brought to judgment. To enhance the charge againſt him, James earl of Murray, a natural ſon of the late king,

Sept. Leſly.

this matter ſhould be delayed till the next ſubſequent meeting of commiſſioners. Albany now propoſed, that the ſaid comprehenſion, by the preſent agreement, ſhould continue in full force, the king of Scotland, or his kingdom, in no ſenſe departing from it. Wolſey's anſwer to this propoſal is, that the determination of this queſtion ſhould be delayed until the expiration of the preſent truce. And when the king, on the laſt day of the year, confirms the deed of the cardinal, extending at the ſame time the period of the truce, from Midſummer till the St. Andrew's-day next following, he inſerts a clauſe, declaring, that, by this confirmation, he does not admit that the above-ſaid comprehenſion was in force. Epp. RR. Sc. i. 261.

There was difficulty and delay in obtaining from the Engliſh king and his miniſters, the original inſtrument of this truce. In order to procure it, the governor and council agreed to every thing that was demanded in favour of the queen dowager. Ep. RR. Sc. i. 261, 262, 263, 264, 265.

accuſed

accuſed him of the murder of his father; who is ſaid to have been proved by many witneſſes, to have been ſeen alive after the battle, and on the way from the field of Flodden. But no ſufficient evidence appeared of Home's having any ſhare in putting him to death. He was charged with a treacherous inactivity in that battle. He was alſo accuſed of having ſuffered the Engliſh to repair the caſtle of Norham; which he might eaſily have prevented, by the great power he had in that neighbourhood. To all theſe accuſations was added, his being a principal contriver and actor in the late treaſons and inſurrections againſt the governor; on the account of theſe crimes *, lord Home and his brother were condemned to loſe their heads. The ſentence was executed next day on Home; and the day after that on his brother †; and their heads ſet up to public view, over the port of greateſt paſſage in Edinburgh ‡. This is the third great inſtance of deſtruction brought on the moſt eminent families on the Scottiſh border, by jealouſy of ſtate, and their own immoderate uſe of overgrown wealth and power.

James V. K. of Scotland. 1516. Buchanan. Oct. 8. Leſly.

Although theſe ſeverities, exerciſed on ſo potent a family, and not appearing ſufficiently founded on ſtrict and evident juſtice, excited jealouſy and murmuring againſt the governor, yet the awe of the example was followed by a general quiet. Soon after the execution of the Homes, Albany made a progreſs to Jedburgh in perſon, in order more effectually to repreſs and puniſh the exceſſes of the banditti on the marches. He alſo conferred the office of warden of the eaſt marches on Sir Anthony Darcy, ſtyled the *Sieur de la Beaute*, a French knight, who poſſeſſed the higheſt place in the governor's favour and confidence. In the end of the year, the truce with England was agreed to be prolonged from the enſuing midſummer to St. Andrew's Day. Little progreſs had been made in ſettling points in diſpute, and the interval which then remained, appeared too ſhort for that work; eſpecially as the winter intervening, would make it inconvenient for the commiſſioners of the two nations to attend the diets, wherein theſe affairs were to be diſcuſſed. Henry alſo mentions, as a motive to this prorogation, the interceſſion of the

Rym. vol. xiii. p. 574.

* Beſides the crimes mentioned in the text, Drummond relates, there was another, with which the governor acquainted the judges, ſo groſs and heinous, that it was on that account concealed from the publick.

† According to Douglas, (from Crawford's Lives of Officers of State) lord Home was executed on the 11th of October, and his brother on the 12th. Doug. Peerage, 345.

‡ The Nether-Bow. H. Godſc. Lord Fleming ſucceeded Home as chamberlain for life. Leſly p. 384. Ker, Home's aſſociate, according to ſome, was acquitted by the jury: according to others, eſcaped by corrupting his keepers, not without the connivance of the governor.

According to Buchanan, this was a period fruitful of calamities to all the ſons of the Home family. The chamberlain, he relates, had three brothers beſides William; of whom George was a fugitive, lurking in England for a murder he had committed; John the abbot of Jedburgh, was baniſhed beyond the Tay; and David the youngeſt, who was prior of Coldingham, and in high eſteem for his probity and parts, was about two years after the execution of his brothers, under pretence of a conference, drawn into an ambuſh by James Hepburn his ſiſter's huſband, and cruelly ſlain. Beſides the five brothers mentioned in this account, Douglas mentions two more, viz. Patrick the fourth, and Andrew the ſixth; and the names of all the ſeven brothers, he ſays, are to be found in an original entail. Douglas does not mention any ſiſters of theſe brothers.

Henry VIII. K. of England. A. D. 1517.

two kings of Caſtile and Denmark *. Albany was now bent on a viſit to France, to which he had found ſome difficulty in obtaining the conſent of the ſtates of Scotland. But the French monarch having ſent an embaſſy into Scotland, to ſolicit the renewal of the ancient league, the governor obtained, from a parliament held in March, a commiſſion to go over to France as ambaſſador for that purpoſe †. Before his ſetting out on this journey, which was not until the beginning of the following June, he uſed every precaution he could deviſe, for preſerving the peace and order of the kingdom during his abſence. The ſupreme power was delegated to the two archbiſhops, and four of the principal nobles ‡, together with Sir Anthony Darcy. Each of theſe had particular diſtricts aſſigned them, to be more immediately under their power and inſpection. Darcy's diſtrict was the counties of Mers and Lothian. He had the government of the caſtle of Dunbar, which was his uſual reſidence, and was alſo lieutenant or warden of all the marches.

June 7.

Drummond, p. 86.

Buchanan. Drummond. Pitſcottie.

The courage, aſſiduity, and integrity, diſplayed by Darcy, in diſcharging the duties of his office, are highly celebrated; but the ſubſtitution of this ſtranger in the place of lord Home, by the very perſon who had ſo lately purſued that lord to death, could not fail, according to the ferocious ideas of thoſe times, to render Darcy the devoted object of the malice and revenge of all the name and kindred of Home. It was not long before an opportunity offered, or as ſome relate, was contrived, for gratifying this horrid reſentment. William Cockburn, uncle to the laird of Langton, had forcibly ejected from the caſtle of Langton, the tutors of his nephew, at that time a minor, and held the place; depending on the aid of Sir David Home of Wedderburn, who reſided in the neighbourhood, and whoſe ſiſter Cockburn had married. Darcy informed of this riot, went with all expedition to redreſs it on the ſpot, having in his company ſome of the neighbouring gentlemen, and ſome of his French domeſtics. While he was in vain requiring the caſtle to ſurrender, Sir David Home, attended with ſome horſemen, came up to him, and began to revile his maſter and himſelf for the death of his chief. The immediate conſequence of theſe reproaches was a rencounter, in which ſome of Darcy's ſervants falling, and the reſt of his company not being ſuch men as he truſted, he ſought his ſafety by a rapid flight which he directed towards Dunbar, but his horſe, in whoſe ſpeed he confided, falling or ſinking in a marſh, a little to the eaſt of Dunſe, his fierce purſuers came up with him, and one of them

* This circumſtance of the prorogation of the truce, till St. Andrew's Day 1517, being requeſted by the king of Denmark, is alſo taken notice of in a letter of the duke of Albany to the king of Denmark. Ep. RR. Sc. 1. 263.

† Letters were given at Edinburgh, March 1, 1517, by the prelates, nobles, and communities of Scotland, recognifing the authority of Albany, and giving him unlimited powers of treating with the Pope, the French king, and all other princes.

‡ The two archbiſhops were, Forman and Beton. The earls were, Arran, Angus, Huntley, and Argyle.

A little before Albany ſet ſail for France, the queen dowager returned to Scotland, and was received at Berwick by her huſband the earl of Angus. Ample letters of ſafe-conduct, and of ſecurity for all her rights and honours, were granted to her, in name of the king, his tutor, and eſtates of the kingdom. Ep. RR. Sc. 1. 265.

immedi-

immediately ſtruck off his head. This was carried in triumph to the caſtle of Home and placed on its battlements *. James V. K. of Scotland.

The remaining lords regents, alarmed at this audacious deed of the Homes, in order to the more ſpeedy and effectual execution of juſtice againſt the tranſgreſſors, and for maintaining the public tranquillity, devolved their joint charge of the regency upon the earl of Arran; whom they alſo appointed warden of the marches. This choice was diſpleaſing to the earl of Angus, who was farther provoked by Arran's ſeizing his brother Sir George Douglas, as one of the accomplices of Sir David Home of Wedderburn, and committing him to the caſtle of Edinburgh. On the ſame pretence, Mark Ker of Ceſford, was impriſoned in the caſtle of Garvet. In a parliament held in the enſuing February, Sir David Home of Wedderburn, William Cockburn, and John Home, with ſeveral other partners of their guilt, which they had increaſed by flying from juſtice, and introducing Engliſhmen to their aid, were declared rebels. And immediately after the riſing of this parliament, the earl of Arran marched into the Mers at the head of a conſiderable army, carrying with him ſome great ordnance, for reducing the places of ſtrength that ſhould make reſiſtance. When he came to Lauder, about eight computed miles weſtward from Home, the keys of that caſtle were ſent to him. The ſtrong houſes of Langton and Wedderburn were alſo without oppoſition ſurrendered into his hands, and in all of them he placed garriſons, to hold them for the king †.

1517. Sept. 20.

Drummond, p. 87.

A. D. 1518.

Although the fierce ſpirits of the Scottiſh chieftains deprived them of the bleſſing of domeſtic peace, their governor, during his abſence, was careful to preſerve tranquillity on the ſide of England. The truce, which was to expire on the laſt of November 1517, was prolonged for two years ‡; the queſtions, whereof the determination was neceſſary, in order to the concluſion of a laſting peace, remaining ſtill undecided. The views of the French court with regard to England, agreeably to which the conduct of the regent of Scotland was chiefly regulated, were at this time pacific. Francis, in order to recover the city of Tournay, which Henry had taken in his late war with France, and retained by virtue of the peace he had concluded with Louis XII. applied himſelf with all his might to court the avarice and vanity of the Engliſh cardinal. Having ſucceeded in theſe endeavours, a new treaty was concluded between France and England in October 1518, wherein Scotland, as uſual, was comprehended as an ally of France. The conditions of this comprehenſion were preciſely the ſame as in the two preceding treaties;

Rym. ib. p. 599, 602.

Oct. 2.

Rym. vol. xiii. p. 631, 670.

* According to Leſly, it was firſt expoſed on a pole or ſpear in the town of Dunſe. Leſly, 38. Nothing more ſtrongly marks the ferocity of the times, than what is related by Pitſcottie, that Sir David Home of Wedderburn cut off Darcy's long flowing locks, and plaiting them into a wreath, knit them as a trophy to his ſaddle-bow.

† At the ſame time, ſays Leſly, Arran made the moſt diligent ſearch for the heir of lord Hales, to bring him to puniſhment for a cruel murder committed by him on David Home, prior of Coldingham. Leſly, 389.

‡ The Scottiſh regency and council complain of this truce being very ill obſerved by the Engliſh, who reſetted Scottiſh rebels and made frequent inroads. Ep. RR. Sc. 1. 294. 305. 309. in letters to Pope Leo, and to Chriſtiern king of Denmark.

Henry VIII. K. of England. 1518. Dec. 21. Above p. 496.

only they were not included in the body of the treaty, but in a ſeparate inſtrument *; which, however, was ratified by the French king with the ſame ſolemnity as the treaty itſelf. The term, beyond which the hoſtilities deſcribed in the treaty of 1514, if committed by either nation, were to render this comprehenſion of no effect, was, in the preſent treaty, the 25th of the enſuing December. In the courſe of this negociation between Henry and Francis, it was requeſted by the former and agreed to by the latter, that the duke of Albany ſhould not be ſuffered to return to Scotland. But although Francis detained Albany for the preſent, yet foreſeeing how uſeful he might be to France on ſome future occaſion, in his character of regent of Scotland, he ſtill encouraged and aided him to hold that office. After the murder of Darcy, a new French governor †, with a reinforcement of ſoldiers of that nation, was ſent in Albany's name, to keep the caſtle of Dunbar. And on the expiration of the truce with England in 1519, La Fayette, who ſeems to be the ſame perſon who was employed by the governor, to carry his pacific propoſals to the court of England in the ſummer of 1516, came into Scotland as ambaſſador from the French king, accompanied with Cordelle a French clerk, and the Engliſh herald Clarencieux, in name of his maſter, to procure the confirmation of a truce for a year and day, as being agreeable to both monarchs, and to which the duke of Albany had given his conſent. This commiſſion was executed with difficulty, on account of the ſtrife between Arran and Angus, which was ſo violent that the ambaſſadors could not prevail with them, on ſo important an occaſion, to meet together. The reaſon of the two kings concurring to procure this truce, was the proſpect of an interview between them, which was agreed to be held on the marches of Calais, in the following ſummer; where accordingly they met, making on that occaſion an extraordinary diſplay of all the pomp and ſplendour of that age.

Herbert, Hen. VIII. 32.

Holingſhed. Leſly. 389.

Leſly, p. 393. A. D. 1519.

Above p. 503.

Drum. p. 87, 88.

The time of the governor's abſence was, in all parts of the kingdom, fruitful of fierce quarrels and lawleſs deeds of violence; the offenders being protected by the faction with which they were combined, and each faction ſupporting the enemies of the other. Theſe factions were chiefly two, the one headed by the earl of Arran, the other by the earl of Angus. The Homes were attached to the latter, both by their late lord's engagements with Angus, and by Sir David Home of Wedderburn's being married to Angus's ſiſter ‡. One deſperate exploit naturally leading to another, Robert Blackater prior of Coldingham, together with ſix of his domeſtics, was, in the courſe of theſe confuſions, ſlain by Sir David Home §; and William Douglas, brother to the earl of Angus, ſucceeded in that priory ‖. A quarrel, concerning the bailli-

* This circumſtance ſeems to have given riſe to a report in Scotland, that the king of France had concluded this treaty, without making any mention in it of his ancient allies the Scots. Leſly, 389.

† He was called Maurice. (Leſly.)

‡ Her name was Jean. (Doug. Peerage.) But according to Godſcroft, a better authority, it was Aliſon. She was married before to Robert Blackader of Blackader, and was his widow at the time of her marriage to Sir David Home.

§ This happened at Lamberton 6th of October 1519, according to Holingſhed, p. 306.

‖ William Douglas was alſo abbot of Holyrood-houſe.

wick

wick of Jedburgh Foreſt *, having ariſen between Angus and Sir Andrew Ker of Farniherſt, who had formerly been a friend of the Douglaſſes and Homes; Sir James Hamilton, a baſtard ſon of the earl of Arran, who probably had the charge of the ſtrong places in the Mers, out of which Arran had ejected the Homes, marched to the aid of Farniherſt †, with ſome Merſmen, and *forty hired banditti* of the borders; but Ker of Ceſsford, who was warden of the middle march, and on the ſide of Angus in the preſent diſpute, having with his followers met Hamilton at Kelſo, the latter was deſerted by the Merſmen, and obliged to fly for his life to the caſtle of Home; which he reached with difficulty, four of his ſervants being ſlain ‡. Not long after, Arran, Beton the chancellor, and the principal perſons of the Hamiltonian faction, failed in a plot they had laid to ſeize the earl of Angus at Edinburgh, and were themſelves, by the great bravery of Angus, and a choſen band of his followers, obliged to abandon the capital. Sir David Home of Wedderburn, George Home, brother of the late lord, and William Douglas prior of Coldingham, being advertiſed of the danger of their friends, arrived when the fray was near an end, with a powerful ſuccour from the Mers §; and forcing an entrance through the eaſtern port of the town, contributed to complete and ſecure the advantage that Angus had gained. Angus, after giving his adverſaries this defeat, continued ſtrongeſt in the counties to the eaſt and ſouth of Edinburgh; and Sir David Home of Wedderburn, aided by Angus's countenance and authority, regained poſſeſſion of the houſe of Wedderburn, and alſo of the caſtle of Home. In this, or the following year, George Home, brother to the late chamberlain, reſumed his title ‖, and together with Sir David and others of his name and dependence, took down the heads ** of his brothers from the place where they had been fixed, and gave them a ſolemn interment in the Black-Friars.

James V. K. of Scotland. 1519.

Four hundred, according to Leſly, p. 594.

Godſ. p. 247, 248.

A. D. 1520, April 30.

Leſly.

The Scottiſh nobles were ſo much occupied with theſe inteſtine broils, that the truce with England had almoſt expired, before the regency of Scotland had taken any ſteps to obtain its renewal. The term of its expiration was St. Andrew's-Day, and it was not until the 16th of November, that a letter was

Rym. vol. xiii. p. 727.

* The lands belonged to Angus, but the lairds of Ferneherſt had the title and power of judges in them.

† The author in this work often follows the Scottiſh cuſtom, of deſigning gentlemen by the names of their eſtates.

‡ This attack on Sir James Hamilton, according to Home of Godſcroft, was made by John Somerville of Camnethen. Godſc. Hiſt. Doug. p. 244.

§ Conſiſting of eight hundred horſe. Godſc. p. 246.

‖ Godſcroft ſays, that George lord Home was ever *lord*, after the time of taking down the heads of his brothers: but from an act of Parliament in 1540, preſerved in lord Haddington's collections from the public records, it appears, that George was not legally reſtored till the year 1522, by a parliament held at Edinburgh Auguſt 12. *There*, his reſtitution to the eſtates and honours of his brother, is repreſented as the deed of the king, his three eſtates, and John duke of Albany his tutor.

** Leſly places the taking down the heads of lord Home and his brother on the 21ſt of Auguſt 1520. Godſcroft places this event on the 18th of July 1521. And ſays, that George Home and his aſſociates performed this office with the conſent of the regent Albany, when they were attending him at Edinburgh.

written

Henry VIII. K. of England. 1520.

written from the king of Scotland, by the advice of his lords regents and council, to the lord Dacres, who was then warden of all the Engliſh marches, and reſided in the caſtle of Harbottle; informing him, that the great domeſtic affairs of the nation, (which were no other than the perpetual feuds of the nobles,) made it impracticable at that time to ſend ambaſſadors into England, in order to treat of a longer truce; and therefore entreating Dacres to obtain as ſoon as poſſible, a commiſſion from his maſter to negociate with the Scottiſh wardens, or any other deputed from the Scottiſh king, a truce for a year, or a ſhorter time, promiſing, that in that interval an honourable embaſſy ſhould be ſent into England, to treat of a longer and more perfect truce. Dacres had, by virtue of his commiſſion of warden, a power to conclude ſhort truces, as exigencies might require; of this having advertiſed the Scottiſh regency,

Nov. 22.

and expreſſing at the ſame time his deſire of peace, and his ſurpriſe at their having ſo long deferred taking the proper ſteps to preſerve it, a commiſſion

Rym. ib. p. 728.

was given November 25th, to Thomas Abbot of Kelſo, to meet with Dacres at a place (*a*), which the latter had named, on the middle march; and *there* a truce was concluded, to continue until the firſt of January incluſive. The

(*a*) Heppeth-gatehead.

Nov. 29.

abbot had carried along with him, the names of a liſt of Scottiſh ambaſſadors whom the regents purpoſed to ſend into England; for a ſafe-conduct to whom, Dacres was to apply to his court, and alſo for powers to himſelf to prolong the truce, until the return of theſe ambaſſadors. It is probable, however, that this long delay on the part of the Scottiſh regency, in a matter of ſo much moment, was in ſome degree owing to their expectation, that their affairs with the court of England would be managed by the duke of Albany

Rym. ib. p. 730.

and the court of France, as they had formerly been. The foundation of this conjecture is, that two ambaſſadors from France, Robert Stuart D'Aubigny, and the Seigneur des Planes, having landed at Dunbar on the 27th of November, immediately diſpatched a letter to lord Dacres, or in caſe of Dacres's abſence, to the captain of Berwick, expreſſing great anxiety about the near approach of the expiration of the truce; and informing the Engliſh warden, that the king of France had diſpatched them a long time before, to the king and lords of Scotland, in order to treat of a peace or prolongation of the truce between the kingdoms; but that certain unforeſeen obſtacles, together with the ſtormy weather they had met with at ſea, had hindered their landing until the day of this letter's date: on which account they begged the warden to bethink himſelf of the beſt expedients for preventing the inconveniencies that might ariſe from the truce not being prolonged, and to acquaint them with his reſolutions

Rym. ib. p. 734. Edin. Dec. 6.

on that head. It appears from a letter of John Campbell of Thornton, who was then treaſurer to the Scottiſh king, that the interpoſition of the French ambaſſadors in this matter, was not very agreeable to thoſe of his faction, and that they rather deſired to treat for themſelves. What ſhare the Frenchmen had in the ſubſequent tranſactions doth not appear; but there was another

Ib. p 736. A. D. 1521.

prorogation of the truce from the firſt of January to the firſt of February, by virtue of letters from the lords regents of Scotland, dated at Corſtorphen, and accepted by Dacres the Engliſh warden. The abbot of Kelſo, Andrew Ker of Ceſsford, warden of the middle march, and Adam Otterburn of Auld-

ham, three of the king's council, had another meeting on the 30th of January, with lord Dacres at Redden, and prolonged the truce from the firſt of January to the laſt of June: but if ambaſſadors were not ſent from Scotland to the court of England before the 9th of April, the truce was to be underſtood to expire on the laſt mentioned day. Still the ambaſſadors were not ſent, and the truce of conſequence expired on the 9th of April; but nine days after, the ſame commiſſioners from Scotland had a meeting with Dacres at Carham, where, having repreſented to the Engliſh warden, that the lords regents had named ambaſſadors who had excuſed their not ſetting out by their want of health, and that a meeting of the regents could not be afterwards held in due time, for naming a new embaſſy*; it was agreed, that the truce ſhould continue until the firſt of June, during which interval the king of Scotland ſhould ſend to the king of England, a knight, a clerk, or officer at arms, to require a prorogation of the truce to St. Andrew's Day; which being obtained, an embaſſy from Scotland ſhould be ready to ſet out towards the court of England, before the feaſt of Michaelmas. But this agreement was ſuperſeded by a new agreement, whereby the truce was prorogued until the enſuing Candlemas. To this the king of Scotland conſented, at the earneſt interceſſion of the French king, who had uſed the like inſtances with the king of England; in hopes that during this truce, the council, ſtates, and parliament of Scotland, would perform what his ambaſſadors had lately required, agreeably to the concluſion between the kings of France and England at their late interview at Ardres.

James V. K. of Scotland. 1521. Ibid. Ib. p. 744. Rym. ib. p. 745, 746.

Beſides a few of the general articles common to all ſuch conventions, the preſent contains ſtipulations for the proper care and keeping of the king's perſon, as well as for the honourable treatment of the queen his mother, and the ſecurity of her jointure. But after accepting and approving all theſe articles, a proviſo was added, declaring that the duke of Albany, "the king's deareſt "couſin and tutor, was, and ſhould be comprehended by the king in this truce, "and ſhould peaceably enjoy the benefit of the ſame, becauſe he was compre-"hended in other truces preceding the preſent."

This year was remarkable for the beginning of thoſe wars, which were kindled on the continent, by the ambition and incompatible intereſts of Charles V. Emperor of Germany and king of Spain, and the French king Francis I. Henry VIII. appeared at firſt in the character of a mediator and arbiter between thoſe potentates; but the avarice, ambition, and reſentment of Wolſey hindered his maſter from ſupporting that character with dignity

* Forman the archbiſhop of St. Andrews, one of the regents, had died in this interval, and the reſt of the lords regents, dwelling in diſtant parts of the realm, could not aſſemble in time. But Keith places the death of this biſhop in 1522. Leſly alſo and Drummond place it in the ſame year. It is plain however, from a letter of the chancellor and eſtates of Scotland, to Pope Adrian VI. dated the 6th of February 1522, that Forman died in the year 1521. For they aſk of Adrian, that his holineſs would not ſuffer to be infringed; *quos octo menſes dudum ſanctiſſimus Leo apoſtolico Brevi, a die vacationis metropolis eccleſiæ divi Andreæ & monaſterii Dumfermling, in alios octo menſes prorogavit.* Ep. RR. Sc. 1. 327. The eight months ſpoken of, is the time granted by the Roman ſee, during which the king of Scotland's letters ſhould be waited for at Rome, before the Pope proceeded to beſtow the prelacies of his kingdom. Ib. 197. 211, 212.

and

Henry VIII. K. of England.

1521.

and advantage. Francis ſoon perceiving that Henry was going wholly over to the ſide of his enemy, in order to give him ſome work at home, allowed the duke of Albany to return to Scotland, where he arrived on the weſtern

Nov. 19.

coaſt, after he had been abſent about four years and more than five months. His return appears to have been agreeable to the bulk of the nation *; who hoped, that, by the vigorous exertion of his authority, domeſtic peace and ſecurity would be reſtored. He was particularly welcome to the queen, who had entered into confidence with him, while he yet remained in France, and had ſolicited the exertion of his intereſt with the court of Rome, to procure a divorce from her huſband, whom ſhe could never forgive for his infidelity to her bed, during her abſence from him in England. Accompanied by the queen, the earl of Lennox, the chancellor, and many other eminent perſons,

Dec. 3.

the governor came to Edinburgh; where the firſt act of his reſumed power was to depoſe the magiſtrates, who were all in the intereſts of the earl of Angus, and to ſubſtitute in their places men well affected to himſelf.

A. D. 1522. Holingſhed.

A parliament being called to meet at Edinburgh on the 26th of January, a ſummons of forfeiture was proclaimed on the 9th of December, at the market croſs of that city, by which the earl of Angus, his brother, the prior of Coldingham, and others † of that faction, were required to appear in parliament, to undergo trial for their offences. In theſe circumſtances Angus is ſaid to have ſupplicated his wife to intercede with the governor for pardon to himſelf and his brother; which was granted, on condition of their retiring by a voluntary baniſhment to France. The Homes and Cockburns who were concerned in the murder of Darcy, fled into England. Gavin Douglas biſhop of Dunkeld, Angus's uncle, ſought alſo his ſafety in that country ‡; and going to the court of Henry, endeavoured to excite in that monarch the moſt unfavourable ſentiments both of the queen and the governor.

The governor, either not fully reſolved on a breach with England, or not ſufficiently prepared for it, ſolicited Henry for a prorogation of the truce: but that monarch, much provoked at his return, and incenſed by the complaints and calumnies of the biſhop of Dunkeld, inſtead of paying any regard to

Rym. vol. xiii. p. 761.

Albany's pacific overtures, ſent his herald (Clarencieux), to the ſtates of Scotland, requiring them, as the price of his friendſhip, to depoſe Albany

* The ſtates of Scotland, in their letter to Henry, mentioned below, take notice of the familiarity in which Albany had lived with Popes, as well as with the greateſt princes of Chriſtendom. Rym. tom. xiii. p. 762.

† Theſe were, according to Holingſhed, the lord of Wedderburne, the lord of Dalhouſie, John Somerwell of Camnethem, and William Cockburn of Langton.

‡ An order, dated February 21, 1522, is given, in the king's name, and in preſence of the governor, by the council and ſtates of the kingdom; that the vicar-general of the vacant ſee of St. Andrew's ſhould ſequeſter the revenues of the biſhoprick of Dunkeld; and that no perſon ſhould correſpond with the biſhop, nor remit him any money. From this order, it appears, that the Engliſh had declared war againſt Scotland prior to its date. The biſhop became a traitor, by going over to an open enemy. Ep. RR. Sc. vol. i. p. 328, 329.

Douglas ſolicited at Rome, by the intereſt of the king of England and the Emperor, for the archbiſhoprick of St. Andrew's, and abbacy of Dunfermling, vacant by the death of Forman. Ep. RR. Sc. ib. and p. 334.

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from his charge of the king and government, and to expel him from the kingdom. The principal reaſon with which he enforced this demand was, the hazard of his nephew, while in the hands of the next heir to the crown; which hazard he repreſented as now greatly increaſed by the project the queen had formed, to her own deſtruction and that of her ſon, of obtaining a divorce from Angus, in order to marry the governor. The Scottiſh parliament anſwered this demand of Henry in the ſame reſolute ſtrain as they had anſwered one of the ſame nature five years before. They vindicated the governor in the ſtrongeſt terms; and expreſſed their reſolution of adhering to him at all events. They declared their utter diſbelief of the alleged purpoſe of marriage betwixt the queen and Albany; and freely cenſured the king of England and his council, for giving credit and entertainment to Scottiſh rebels and traitors, both now and during their late inteſtine troubles, without regard to the truce ſubſiſting between the nations *. The ſame Engliſh herald who brought the letter to the Scottiſh parliament, was charged with others of like import to the governor and to the queen; and anſwers were returned to them in the ſame ſpirit.

James V. K. of Scotland. 1522.

Feb 11. Rym. vol. xiii. p. 761.

Herbert, p. 52.

As a farther prelude to an open breach between the nations, the lord Dacres warden of the weſt marches, by his maſter's command, entered Scotland in February, and proclaimed, that if the Scots would not agree to Henry's terms of peace, before the firſt of March, they might ſtand to their peril †. In April, ſeven great ſhips entered the Firth of Forth; but the coaſt was ſo well guarded, that they could do little hurt. The alarm, however, that they gave in that quarter, ſerved to employ ſome part of the Scottiſh forces, and to divert them from making any attempts on the Engliſh borders. The Engliſh monarch, occupied with the reception and entertainment of the emperor, who, in his way from Flanders to Spain, ſpent about ſix weeks of the ſummer in England, ſeems to have been content with keeping on the defenſive on the marches towards Scotland. But ſoon after Charles was gone ‡, the earl of Shrewſbury was created the king's lieutenant-general and commander in chief of the army and navy to be employed againſt the Scots. But ſtill the Engliſh enterpriſed nothing of moment. In a ſudden incurſion

Holingſhed. Stowe, p. 515.

July 30. Rym. ib. p. 772.

Leſly, p. 399.

* They charge Henry as ſuffering his wardens and officers on the borders, continually to aid, favour, and reſett, the rebels, traitors, and broken men of this realm; inciting them to the contempt of their and our ſovereign lord's authority, riding with convocations of thieves, traitors, and murderers, their accomplices, ſo many as they might be, and as far within the land as they durſt, robbing, ſpoiling, and overthrowing the true lieges of this realm, at their power. Rymer, vol. xiii. p. 762.

† Stowe ſays, that Dacres entered Scotland on the 8th of February, and that when he made this proclamation, the duke of Albany was within five miles, with a mighty power of Scots. Stowe, p. 515.

‡ The emperor left England in the end of June. In the beginning of July, according to Hall, Henry ordered all the French and Scots in his kingdom to be impriſoned and their goods ſeized. According to Leſly, the Scots were ordered to be marked with a croſs and ſent home to Scotland. Denizens were ſpared, on ſhewing their letters patent, and where the impriſoned or expelled had wives or children, half of their goods were allotted for their maintenance.

Henry VIII. K. of England. 1522.

they burnt one part of Kelſo *, and plundered the other; but the Scottiſh borderers of the counties of Mers and Tiviotdale, though greatly inferior in number, obliged them to retire with conſiderable loſs.

Much about the time that Shrewſbury received his commiſſion from the king of England, the governor of Scotland held a parliament at Edinburgh, where an expedition was decreed againſt England; both in revenge of their own injuries, and in aid of their ancient ally the French king, by whom they had been moſt earneſtly ſolicited to attack, with all their might, the common adverſary of both nations. The chief ſtrength of the Engliſh being then on the eaſtern borders, the governor propoſed to make a diverſion by entering their country on the other ſide; and, accordingly, having collected a numerous army in the neighbourhood of Edinburgh, led it with all expedition towards the weſtern march. But when he had arrived on the ſide of the river Eſk, his progreſs was ſtopped by a ſudden declaration of the Scottiſh nobles, that they would not accompany him into England. They alleged, that a defenſive war would alone be ſafely waged during their king's minority; that fighting battles in England was to hazard far too much in the cauſe of France, and that the late fatal overthrow at Flodden was an admonition too dreadful to be ſoon forgotten. The governor, utterly diſconcerted with this combination, was glad to procure, by the interceſſion of the queen-mother †, a meeting with Dacres the Engliſh warden, in order to treat of a truce. To this Dacres readily conſented; having no ſufficient force to oppoſe to the numerous hoſt of Scots that were ready to pour into his country. It was a condition of this truce, that ambaſſadors ſhould be ſent to the Engliſh court, to propoſe the re-eſtabliſhment of peace between the kingdoms: this embaſſy was accordingly ſent in October, but the ambaſſadors inſiſting, agreeably to their inſtructions, on France being comprehended in the propoſed treaty; and Henry refuſing this, and propoſing, on his part, conditions equally inadmiſſible by the Scots, this forced attempt towards a pacification had no effect ‡. In the beginning of winter the governor paſſed over to France, hoping to return with ſuch a body of foreign ſoldiers, as would render his future expeditions into England more ſucceſsful.

July 24. Acts of parliament.

Leſly, p. 401.

Sept. 11.

A. D. 1523. Feb. 26.

In the following ſpring, the chief command of the war againſt Scotland, was conferred on the earl of Surrey, the Engliſh lord treaſurer and admiral; the ſame who led the van of his father's army in the field of Flodden; and who, the ſummer before, being intruſted with conveying the emperor to Spain, had the honour of being appointed by him admiral of his fleet. The marquis of Dorſet was about the ſame time appointed warden or lieutenant of the eaſt and middle marches; the lord Dacres continuing to enjoy the warden-

Rym. ib. p. 782.

* Hall aſcribes the burning of Kelſo to lord Roſs and lord Dacres; and ſays, they burnt eighty villages beſides, and overthrew eighteen towers of ſtone, with all their burnkins or bulwarks. Herbert does not mention Roſs; and according to Dugdale, the laſt lord of that name died in 1508.

† The queen, though abſent, was believed to have inſtigated the nobles to their reſolution of not entering England: *etſi abſens hujus tamen conſilii auctor nobilibus fuit.* Leſly, p. 405.

‡ Howbeit, ſays Herbert, the truce was prolonged.

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ſhip of the weſt *. Dorſet had alſo two lieutenants appointed under him, Sir William Bulmer for the eaſt, and Sir William Eures for the middle-march; who had ſalaries aſſigned in their commiſſions for themſelves, and for four deputies and four ſerjeants † to each of them. James V. K. of Scotland. 1523.

The earl of Surrey, with Dorſet and Dacres, were, early in the ſpring, at their poſts on the borders. Dorſet, with Sir William Bulmer, Sir Anthony Darcy, and other perſons of note, made an incurſion into Tiviotdale in the beginning of April; and after having burnt ſeveral villages, returned the next day into England with a great booty of cattle ‡. The Scots ſhewed themſelves on the neighbouring hills, and took or ſlew ſome of the ſtraggling marauders, but had not ſufficient ſtrength to adventure an engagement with their enemies. Surrey is ſaid to have had under his command ten thouſand mercenaries, beſides other forces §; which gave him a ſuperiority all the ſummer over the Scots in his neighbourhood. He ravaged, with little or no reſiſtance, Mers and Tiviotdale, and overthrew the places of ſtrength in theſe provinces: but after he had diſperſed his forces, the Scottiſh borderers endeavoured, in the uſual manner, by inroads into England, to revenge the loſſes they had ſuſtained. To repreſs theſe marauders, Surrey again collected a body of ſix thouſand men, and directing his march towards Jedburgh, where he knew a great number of Scots lay, he aſſaulted the place; which, though without fortifications, was obſtinately defended; but was taken by the Engliſh, after the loſs of many lives on each ſide. The Engliſh incenſed by this reſiſtance, burnt the town, and demoliſhed its ancient and beautiful monaſtery. Surrey remained with his army in its neighbourhood three days; during which time lord Dacres took the neighbouring caſtle of Farniherſt; after a valiant defence, by Sir Andrew Ker its lord ‖, who with the laird of Gradon and others were made priſoners.

Hall, fol. 106. March 6. Buchanan. Leſly, p. 406, 407. April 2.

Sept. 24.

* Holingſhed, from Leſly, ſays, that the earl of Northumberland was at this time made warden of all the marches; but ſoon after began to ſolicit to be diſcharged from that office, and ceaſed not till he obtained it. Holingſ. p. 309. So alſo Hall, fol. 105. By his declining this ſervice, the earl of Northumberland, according to Hall, ſuffered greatly in reputation, and even incurred the contempt of his own tenants.

† Called Warden-ſerjeants. So the commiſſion. The wages of the lieutenants were 100 merks a year. Every one of the deputies had 10l. *per ann.* all to be paid out of the exchequer at the feaſts of Michaelmas and Lady-day. Dorſet's wardenſhip did not continue long; for in the beginning of the following September, it appears, that lord Dacres was warden-general of the borders of England, oppoſite to Scotland. Letters annexed to Hearne's Otterb. and Whethamſt. p. 582.

‡ Hall ſays, that Dorſet entered Scotland on Shere-Thurſday, and on the next day, being Good-Friday, returned with his booty; which was four thouſand head of neat. The places burnt by the Engliſh were, Grimſlay, Mowhouſe, Dufford Mylles, Aikeforthe, Crowlyng, Nowes Maner, Midder Crowling, Marbottel, Low-Bog, Seſsforth Maner, Middle Rigg, Primſed, Broket-Shawes, Harvel, Widcopen Haugh, and other towns and villages.

§ *Cum decem millibus mercenariorum et amplis auxiliis.* Buchanan.

‖ Uſually called *Dand Ker*, the ſecond laird of Farniherſt, which houſe or caſtle was built by his father Thomas, about 1490. There were ſeven of the name from about 1330, entitled of *Kers Haugh*. The preſent Sir Andrew poſſeſſed the eſtate from 1499 to 1545. He married Janet daughter of Sir Patrick Hume of Polwarth. Douglas's Peerage.

Henry VIII. K. of England.

1523. Holingſhed. Hall. Leſly. Buchanan.

When the duke of Albany ſet ſail for France in the former year, he promiſed to return before the firſt of Auguſt in the preſent. But this was rendered impracticable by an Engliſh fleet, under Sir William Fitzwilliams, which guarded, during all the ſummer, the ſeas and French ports. The addreſs of Albany overcame this difficulty: he concealed the troops he intended to embark, by removing them to a diſtance from the coaſt; and alſo diſtributed the veſſels that were to carry them, into ſeveral different ports, ſo that there might not be any where the ſhow of a fleet. The Engliſh admiral, deceived by this management, abandoned his cruize, and retired into port about the middle of Auguſt. When the ſeas were thus open, Albany, with great expedition, collected his ſhips, embarked his troops, and ſetting ſail from Breſt, about the middle of September, arrived on the coaſt of Arran, on the day that Jedburgh was burnt by the Engliſh. He brought over with him, on board a fleet conſiſting of fifty ſhips, three thouſand foot and one hundred gens-d'armes *.

Oct. 18. Buchanan. Leſly. Holingſhed.

The Scottiſh nobility being immediately ſummoned to meet at Edinburgh, it was there agreed, that an army ſhould be aſſembled with all ſpeed, to be led, in conjunction with their foreign auxiliaries, againſt the Engliſh. The rendezvous of the army was in Douglas-dale, to which they were ſummoned to repair with twenty-eight days proviſions; and thence they marched towards Melroſe. After the greater part of the army had paſſed a wooden bridge over the Tweed, in the neighbourhood of that place, the Scottiſh nobles, making the ſame objections as they had done laſt year upon the Eſk, againſt marching into England, thoſe who had croſſed the river returned †, and the whole army marched down the north ſide of it to Coldſtream. There it was reſolved to attempt the reduction of the caſtle of Wark, ſituated a little above Coldſtream on the oppoſite ſide of the river, the fortifications of which caſtle the earl of Surrey had lately repaired: George Buchanan, the celebrated poet and hiſtorian, carried arms in this expedition, and gives us the following deſcription of the caſtle, as it then ſtood. In the inmoſt area was a tower of great ſtrength and height. This was encircled by two walls, the outer including a large ſpace, into which the inhabitants of the country uſed to fly, and carry their flocks and corn in time of war; the inner of much ſmaller extent, but fortified more ſtrongly by ditches and towers. The captain of this caſtle was Sir William Liſle: it had a ſtrong garriſon, good ſtore of artillery and ammunition, and other things neceſſary for defence. The duke of Albany

* He was accompanied by Richard de la Pole, a pretender to the crown of England; claiming as the ſon of Elizabeth eldeſt ſiſter of Edward IV. and alleging, on the ſame grounds with Richard III. that the iſſue of Edward by Elizabeth Widdeville was illegitimate. Richard de la Pole was entertained in France; and when that nation was at war with England, was ſupported by Francis in his pretenſions to the Engliſh crown. He was ſlain at the battle of Pavia in 1525. Carte, vol. iii. p. 61.

His elder brother, who, from a jealouſy of theſe pretenſions, was impriſoned by Henry VII. was put to death by Henry VIII. on the breaking out of his firſt war with France.

† This circumſtance is mentioned by Buchanan, who was preſent in the expedition; otherwiſe, it might be paſſed over as a factious tale: for after the Scots had croſſed the Tweed at Melroſe, they were ſtill many miles diſtant from the Engliſh border.

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ſent over the Tweed ſome battering cannon, and a choſen band of Scots and French, conſiſting of three or four thouſand under the command of Andrew Ker of Farniherſt. A body of horſe was alſo ſent over to ſcour and ravage the adjacent country, and to cut off the communication between it and the caſtle §. The French carried the outer incloſure at the firſt aſſault. The garriſon drove them out of it by ſetting fire to the corn and ſtraw that were laid up in this incloſure. But the beſiegers ſoon recovered it, and made a breach by their cannon in the inner wall. By this breach an aſſault was given, in which the French ſhewed great bravery; but the Engliſh reſiſting with equal vigour, and the aſſailants being ſore galled by the ſhot of thoſe who were above them in the tower or donjon, were at laſt obliged to retire, after a conſiderable ſlaughter on both ſides *. A new aſſault was to have been made the next day; but a great fall of rain happening in the intervening night, obliged the whole detachment employed in the ſiege to return to the main army, leſt the ſudden overflowing of the Tweed ſhould have rendered their retreat impracticable.

James V. K. of Scotland. 1523.

Buchanan. Nov. 3.

During this expedition of the Scots, the earl of Surrey was at Alnwick with a great army †; and the marquis of Dorſet with ſix thouſand men was at Berwick, which Albany, it was believed, intended to beſiege ‡. According to Leſly, Albany, after abandoning the ſiege of Wark, ſent by an herald a challenge to Surrey, to meet him in battle on the borders of Scotland; which Surrey refuſed, on pretence of his commiſſion reſtricting him to wage a defenſive war. The Engliſh writers repreſent the dread of Surrey's approach, as the chief cauſe of the Scots abandoning the ſiege of Wark. And Hall, in particular, informs us, that the Scots had ſcarce got their ordnance over Tweed, when Surrey with five thouſand men on horſeback arrived at Wark;

Buchanan. Leſly. Hall, fol. 116. Holingſhed.

§ Theſe, according to Leſly and Holingſhed, made an inroad into the neighbouring diſtrict of Glendale, where they burnt and plundered ſome towns, and demoliſhed ſome piles or ſtrong houſes. Holingſ. Sc. Chron. p. 311.

* Holingſhed ſays, that part of what he calls the caſtle, he means the tower or donjon, was beaten down by the artillery on the other ſide of the Tweed. But Buchanan affirms, that when the aſſault was made, the tower *(Arx intima)* was entire. It appears, however, that the roof of the donjon was hurt, by a letter of Cardinal Wolſey to lord Dacres in the following June; in which the cardinal writes, 'that it was the king's pleaſure that as much lead might be ſpared 'from Dunſtanburgh, as ſhould be employed in repairing the donjon of Wark.' Ap. Otterb. p. 616.

† Surrey was joined at Alnwick by the earls of Northumberland and Weſtmoreland, the lords Clifford, Dacres, Lumley, Ogle, and Darcy. There came alſo from court, to be preſent at the expected battle, Sir Nicholas Carew maſter of horſe, Sir Francis Brian, Sir Edward Boynton, and others. The Engliſh army, according to Hall, conſiſted of forty thouſand men.

‡ Anthony Ugtredde, at that time, I ſuppoſe, captain of Berwick, wrote to the earl of Surrey, on the 12th of October, 'that he had received certain intelligence from one of his neighbours in 'the Mers (he calls him my lord David Home) [Who is meant here? the preſent lord Home's 'name was George; his brother David was prior of Coldingham] that the duke of Albany was 'coming to Berwick and no other place.' Part of Albany's army was then at Lauder. Surrey had promiſed to ſend four thouſand men for the defence of Berwick. And Ugtredde mentions in this letter, a *platform with maundes* (*a*); i. e. a faſcine battery, or rather battery with gabions, which Surrey directed to be made; and Ugtredde blames the lord Dacres for its not being executed. Ap. Otter. p. 631.

(*a*) *maunde* ſignifies *baſket*.

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Henry VIII. K. of England. 1523.

the reſt of his army following him. He adds, that when Surrey arrived, three hundred dead bodies of the aſſailants, moſt of them Frenchmen, who were ſlain in the laſt attack, lay ſtill unburied on the ſpot where they had fallen. The ſame writer repreſents Albany as marching off his army from the Tweed, immediately after he had raiſed the ſiege of Wark. Buchanan relates, that the Scottiſh army kept their place on the ſide of the Tweed eight days longer; but acknowledges, that it was the certain intelligence Albany had of the approach of the numerous forces of the Engliſh, and the averſion he perceived in the Scottiſh nobles to fight, that determined him to retire. His firſt march was to Eccles, where there was, at that time, a convent of nuns: ſetting out thence at midnight, the army proceeded to Lauder; which was a very diſtreſſing march, both to men and horſes, by reaſon of a ſudden ſtorm of ſnow *: and this ſeverity of the weather obliged alſo the Engliſh army to diſperſe and retire.

Nov. 13.

Leſly, Herbert.

The winter paſſed without any mutual incurſions, which hiſtorians aſcribe to a truce; but there ſeems to have been no formal truce during this period †.

App. to Otterb. p. 596.

Yet there was a correſpondence carried on with the Engliſh court, both by the queen-dowager ‡ and the duke of Albany; in which pacific overtures were made, and the conſequence of which ſeems to have been an abſtinence from hoſtilities. The queen correſponded with the earl of Surrey, and conveyed by him her letters to her brother: and when Surrey was the king's lieutenant on the borders, ſhe gave him intelligence concerning Scottiſh affairs.

Ib. p. 625. 630.

Ib. p. 586.

Albany addreſſed his propoſals to Dacres, warden-general of the marches, by whom they were conveyed to the Engliſh cardinal; and the cardinal's anſwers were returned by the ſame channel. The cardinal was very deſirous that Albany ſhould come in perſon into England; and endeavoured to flatter his ambition with the hopes that they two might be able to reſtore peace, not only between England and Scotland, but over all Chriſtendom §. Henry was at this time engaged in high projects on the ſide of France ‖; where Francis was reduced to great diſtreſs by the loſs of an army in Italy, and by

Ib. p. 589. 594.

Ib. p. 590.

* Buchanan ſays, he joined the French auxiliaries in this expedition, with a view of learning the art of war: but his march, in returning, through deep ſnow, and in moſt ſevere weather, made him relapſe into an illneſs from which he had lately recovered, and which confined him to his bed all that winter. Buchanan's account of his own life.

† None are publiſhed by Rymer.

‡ This correſpondence, and the ſubject of it, appear from a ſmall collection of original letters from cardinal Wolſey, and the queen-dowager of Scotland, to lord Dacres warden of the Engliſh marches, publiſhed by Hearne in his Appendix to Otterburne and Whethamſtede, vol. ii. p. 574, ſeq.

The queen pretended not to have ſeen the duke of Albany ſince his laſt coming into Scotland, and to be in no concert with him; remaining with her ſon at Stirling: but her brother and Wolſey were diffident of theſe profeſſions, and ſuſpected that Albany made a fool of her.

§ Occaſion was given to this, by Albany's inſiſting, that France ſhould be comprehended in any treaty of peace or truce that ſhould be made between England and Scotland.

‖ He and the Emperor, ſupporting Bourbon and thoſe who were expected to follow him in his revolt, hoped to make a conqueſt of France and ſhare it among them. On which event, Henry's ſhare was to have been Normandy and Guienne, the poſſeſſion of his anceſtors, together with the title of king of France. Herbert.

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the deſertion of the conſtable of Bourbon to the Emperor. And perhaps Wolſey entertained ſome expectation of prevailing with Albany, by his arts or offers, to follow the example of Bourbon*: but Albany was unſhaken in his fidelity to France; and, at the ſame time, an equal match for the cardinal in the chicane of negociation. By this addreſs, together with Henry's great expences in carrying on war with France, and particularly in ſupporting Bourbon, who was preparing to invade France from Italy, very little annoyance was given to Scotland either in winter or ſpring; and the queen-dowager and Albany ſeem to have concurred in their endeavours to ſuſpend, during the ſame period, all hoſtilities againſt England.

James V. K. of Scotland. 1523. Ib. p. 598, 599, 600, 612.

But the duke of Albany found his ſituation in Scotland extremely uneaſy, by the factious oppoſition of the Scottiſh nobles; proceeding, perhaps, more from jealouſy and envy of ſuperior parts and power, than from an averſion to the duke's zealous attachment to France. Theſe diſcontents of the Scottiſh nobles, were carefully fomented by the ſecret practices of the Engliſh court: and a conſiderable number of them, in concert with the queen-dowager, entered into a project of putting the reins of government into the hands of the king, although not yet thirteen years of age. The queen was earneſt for this change; from her hope of obtaining the greateſt ſhare of dominion, by her aſcendant over her ſon†; while the nobles flattered themſelves, that, by getting the perſon of the young king into their hands, they would at the ſame time attain the poſſeſſion of his royal authority; of which the minorities of former kings afforded ſundry examples. Albany, either deſpairing to overcome the combination that was formed againſt him, or hoping to bring ſuch aids from France as would render him too ſtrong for his adverſaries, ſet out for that kingdom in the end of May. He promiſed to return before the firſt of September, with new and great ſupplies for defence of the kingdom: and in caſe he did not, he adviſed the king, with the concurrence of the three eſtates of his kingdom, to aſſume the ſovereign adminiſtration into his own hands. But that he might not abandon all his power in the kingdom, he left a garriſon of Frenchmen in the caſtle of Dunbar, who held it for him a conſiderable time after his return was deſpaired of.

A. D. 1524.

App. Otterb. p. 601.

Ep. RR. Sc. vol. i. p. 352, 355.

After Albany's departure, the correſpondence was ſtill continued between the queen-dowager of Scotland and the court of England; but the project of peace not being brought to maturity, nor any truce ſubſiſting, there were mutual incurſions in the months of June and July, both on the eaſtern and weſtern march. On Trinity Sunday, five hundred Scotſmen paſſed the Tweed at different fords, and lay in hollow grounds near the highway, with a view of intercepting the traders and others going to a fair in Berwick, which began on that day. They took much ſpoil, and made many priſoners; but being attacked near Brankſton by a body of Engliſhmen, who gathered on the alarm,

Leſly. Hall, fol. 129.

June 21.

* Angus, returning from France, informed the Engliſh cardinal, that the king of France and his mother had no ſmall ſuſpicion that Albany was of the faction of Bourbon. App. Otterb. 619. Alſo ibid. p. 602.

† The letters publiſhed by Hearne, give but a mean opinion of her capacity; but this defect would not make her leſs fond of governing.

Henry VIII. K. of England.

1524. July 5.

and were joined by the young lord of Fowberry, at the head of one hundred light horſe, a fierce ſkirmiſh enſued, in which the Scots were defeated, and in their flight two hundred of them were taken. In the beginning of July, nine hundred Engliſhmen led by Sir John Fenwick, Leonard Muſgrave, and the baſtard Heron, made a plundering inroad into the Mers; but being ſuddenly attacked by a much greater number of Scots, they were obliged, after a ſtout reſiſtance, to ſeek their ſafety by flight. A conſiderable number were ſlain, and among theſe the baſtard Heron: two hundred were taken priſoners, among whom were Sir Ralph Fenwick, Leonard Muſgrave, and other perſons of note *. The lord Maxwell, in an inroad made into England by the weſtern march, had almoſt undergone the ſame fate with the Engliſh marauders in the Mers; but he extricated himſelf by his valour and addreſs, and carried off a number of Engliſh priſoners to his own country.

Letters in App. to Otterburn, p. 617.

About a month after Albany left Scotland, the earl of Angus and his brother William, having made their eſcape out of France, arrived at the court of England †. Henry gave them a welcome reception; as no perſon could be more proper to oppoſe to Albany, than the head of ſo great a Scottiſh family, and who had at the ſame time ſo ſharp a reſentment againſt that regent. The great difficulty about employing him in the intended revolution in Scotland, into the project of which Angus very heartily entered, was the incurable averſion that the queen entertained againſt him. And hence,

Ib. 624. 627.

although he was ſent down to the borders ſoon after his arrival; yet the lord Dacres was inſtructed not to ſuffer him to enter into Scotland, nor to intermeddle with affairs there, until it was known what ſucceſs ſhould attend the practices of the queen.

It is probable, that theſe practices were forwarded by the queen's deſire of executing her plan, without allowing her huſband any ſhare of the honour and advantages of it; and of ſhewing the court of England, that the return of Angus into Scotland, was no way neceſſary for effectuating its projects in that kingdom. The earls of Arran, Lennox, and other nobles, entering into the queen's views, removed the young king from Stirling to Edinburgh, in

July 29. Herbert, p. 62, 63.

the end of July, and there put into his hands the adminiſtration of the ſupreme power; which was to be carried on with the concurrence and advice of his mother, and a council of ſome of the chief lords and prelates in the kingdom. The king of England, upon this revolution, ordered a ceſſation of hoſtilities, and ſent Thomas Magnus a clerk, and Roger Ratcliff a gentleman,

App. to Otterb. p. 624.

to be his reſidents at the court of Scotland. The duke of Norfolk, treaſurer and high-admiral of England, was alſo ſent down in his former character of

* This is Leſly's account; but, according to Hall, the Engliſh carried off two hundred priſoners, which they took in this engagement; and he aſcribes the taking of Sir Ralph Fenwick, &c. to their eagerly purſuing too far the Scots who were defeated and flying.

† Cardinal Wolſey, in a letter to lord Dacres 6th of July, ſays, "That firſt William Douglas, "and afterwards his brother the earl of Anguiſh (ſo ſpelt), having fled and ſecretly eſcaped out of "France, had lately arrived; and that the king and himſelf had had ſundry communications and "conferences with the earl, who he ſays, was greatly improved in wiſdom and policy during his "ſtay in France."

lord

lord lieutenant of the northern parts *, to give ſupport and counſel to the queen and her party, in effecting this change; and Norfolk was joint commiſſioner with the lord Dacres, in concluding at Berwick, a formal truce between the kingdoms for three months. The Scottiſh commiſſioners for negociating this treaty were, Gilbert earl of Caſſils, Sir William Scott of Balwerry, and maſter Adam Otterburn of Auldham, appointed by the king of Scotland, with conſent of the queen his mother, and *the three eſtates of his realm* †. The treaty itſelf declares, that the king of England had been moved by the earneſt entreaties of his ſiſter, to conſent to an abſtinence from war, in order to the ſending an embaſſy to him from Scotland, to treat of a longer or perpetual peace; that, accordingly, a ceſſation of hoſtilities by land and water was now concluded, to continue until the firſt of December; an obligation was to be given, and was actually given on the following day, by the Scottiſh commiſſioners, that the embaſſy abovementioned ſhould be ſent, during the truce, to the king of England; meetings were to be held at the uſual places, by the officers of the marches, where injuries were to be redreſſed in the manner preſcribed in the treaty of perpetual peace between Henry VII. of England and James IV. of Scotland; and ſuch redreſs of injuries was to extend to the time of the ſhort truces that had been lately concluded by the wardens, the one from the 11th to the 25th of Auguſt, and the other from the 26th of Auguſt to the 8th of September. It was alſo an expreſs article of this truce, that, if the duke of Albany ſhould return into Scotland before its expiration, and be admitted to the peaceable poſſeſſion of his revenues and authority, as governor of the realm, in that caſe, the preſent convention ſhould be void and of no force.

James V. K. of Scotland.

1524 Sept. 4. Rym. vol. xiv. p. 21.

From theſe tranſactions with England, it ſufficiently appears, that, at the time of them, the removal of Albany from his office was fully reſolved upon by the bulk of the Scottiſh nobles; and in effect accompliſhed. This revolution was much promoted by the diſtreſſed ſituation of France, from the conſtable of Bourbon's invading that kingdom, and laying ſiege to Marſeilles; which made it impoſſible for Francis to do any thing to ſupport Albany or his intereſt in Scotland. But Henry, ſuſpecting that Arran, notwithſtanding his late acting in concert with the queen, was friendly to France, allowed Angus to return in October ‡ into Scotland, notwithſtanding the oppoſition made by the queen-dowager. A Scottiſh parliament meeting in the following month, depoſed Albany from the regency by a formal decree; which, as the time of his promiſed return was then ſo long elapſed, they founded upon his deſertion of his charge and the hurt thence ariſing to the kingdom. Two days after

Keith's App. No. 5. Nov. 16.

* The earl of Surrey had become duke of Norfolk, by the death of his father, on the 24th of the preceding May. Dugd.

† So the commiſſion runs.

‡ The king at Angus's departure took his obligation, 1. To procure and maintain the young king's authority, to the excluſion of the duke of Albany. 2. To ſeek with all humility to be reconciled to the queen. 3. To cultivate friendſhip with Arran, while he maintained the authority of the young king and averted him from France; whereupon alſo Henry promiſed, that if Arran behaved otherwiſe, he would maintain Angus againſt him. Herbert, p. 63.

Henry VIII. K. of England.

this decree of the Scottiſh parliament, a commiſſion was given in the king's name, with advice of his parliament and conſent of his mother, to three ambaſſadors to go to the court of England *; to treat of a marriage between their king James, and Mary daughter of Henry, and alſo of a peace or truce between the kingdoms. Theſe ambaſſadors, at their entering into England, concluded a truce with lord Dacres, who had met with them ſomewhere on the marches, to continue for two months after the expiration of the former. And on the 5th of the following January, the ambaſſadors concluded with Norfolk and Dacres at London, another truce of the like extent, to commence on the 26th of January and to expire on the 23d of March. From the indentures of theſe truces, it appears, that certain points which the Scottiſh ambaſſadors had in charge to negociate with the king of England, could not be ſettled without additional powers and inſtructions from their own king and his council; in order to obtain which, the ambaſſadors had reſolved that Caſſils ſhould go to Scotland; and to give time for his going and returning, and alſo for the quiet return of all the ambaſſadors, in caſe that nothing ſhould be concluded, the truce laſt-mentioned was agreed upon. The points which puzzled the Scottiſh ambaſſadors, were two propoſals made by Henry, as conditions of giving his daughter in marriage to James. Theſe were, that the king and ſtates of Scotland ſhould renounce its ancient league with France, and conclude one of the ſame tenour with England; and that the young king ſhould be educated, and reſide at the court of England, until he attained to the age fit for marriage. Caſſils, having received inſtructions on theſe heads, from a Scottiſh parliament that met in the end of February, returned to London in the following month †, in order to reſume the negociation of peace, and of the propoſed marriage. But advice of the battle of Pavia, wherein the king of France had become the emperor's priſoner, having arrived at London before Caſſils's return, opened a new and unlooked-for ſcene, which engaged the whole attention of the Engliſh court, and delayed any concluſion in the matters in agitation with Scotland. To give farther time for the diſpatch of theſe matters, and for the return of the ambaſſadors to their own country, another ſhort truce was concluded, to continue from the 23d of March to the 15th of May.

1524. Rym. vol. xiv. p. 27.

Nov. 29. Ib. p. 28.

A. D. 1525.

Ib. p. 30.

Herbert. Lefley.

Feb. 24.

Rym. vol. xiv. p. 35.

The earls of Argyle and Lennox, who were not admitted by the queen and Arran to the ſhare they thought due to them, in the adminiſtration of public affairs, ſoon combined with Angus for making a more equal partition of power. The queen and Arran, dreading the ſtrength of this combination, ſhut themſelves up with the king in the caſtle of Edinburgh, and proclaimed the meeting of the parliament, called in February, as was above related, for

* Theſe were, Robert Cockburn biſhop of Dunkeld, Gilbert earl of Caſſils, and Alexander Mill abbot of Cambuſkenneth.

† Herbert ſays, that Caſſils returned to Henry with the reſolution of the Scottiſh nobility, and letters from queen Margaret, ſhewing, that the lords of Scotland would be content to relinquiſh the French, provided the match with the princeſs Mary were made ſure; but they required, that the promiſe by which ſhe had been engaged to the emperor (in 1522), ſhould be firſt diſcharged. Henry hearing this, ſaid he would confer with the Emperor about it. Thus Herbert, who commonly writes from good authorities: but what he adds, that the Scottiſh ambaſſadors departed in April, having concluded a treaty for three years and a half, is inaccurate.

giving

giving inſtructions to the earl of Caſſils, to be held in the caſtle, inſtead of its uſual place of meeting in the city. Angus, and his aſſociates, refuſed to give their attendance in a place where they muſt have been in the power of their enemies; and in order to oblige the latter to abandon their ſtrong hold, enviroined it with an armed band of two thouſand men, and cut off from it all ſupplies of proviſions. The caſtle, on the other hand, fired on the beſiegers, and on the houſes of the city which covered them. This ſtrife was compoſed by the mediation of churchmen; and Angus, together with Arran, Argyle, and Lennox, the two archbiſhops, and the biſhops of Aberdeen and Dunkeld, were appointed members of the king's privy council, and the queen to preſide as the principal and odd perſon in it. To theſe was committed the adminiſtration of all public affairs. The queen had alſo the principal charge of the king's perſon, and free acceſs to him at all times; and ſhe and the council had the choice of his other attendants. This charge in the ſummer following, the counſellors diſtributed into a quarterly attendance of two of their number, a lord and a prelate, having for their aſſiſtants certain lords of each eſtate. The earl of Angus, and Gavin Dunbar archbiſhop of Glaſgow, were the firſt pair of counſellors, who, according to this arrangement, had the keeping of the king*; and an occaſion was thereby preſented to Angus, of ſeizing into his own hands, together with the perſon of his ſovereign, the adminiſtration of the royal power. He was favoured in this enterpriſe by the averſion and reſentment of the queen; who, complaining of his promoting his brother William, already abbot of Coldingham, to the abbacy of Holyrood-houſe, without aſking her conſent, or that of the other counſellors, retired in diſpleaſure with her friends to Stirling; thus leaving the king entirely in the hands of Angus and his faction. The power of his ſovereign was ſoon employed by the ambitious earl, in conferring the chief offices of ſtate on himſelf, his relations, and favourites: he himſelf had the wardenſhip of the eaſt and middle marches, his uncle Archibald Douglas was made treaſurer, and his brother Sir George great chamberlain.

James V. K. of Scotland. 1525.

Keith's App. No. 5.

July 17th. Ibid.

Godſcroft, vol. iii. p. 85. Small edition.

Rym. vol. xiv. p. 91.

The emperor, not ſupporting the ſame character of moderation which he affected to diſplay on his firſt receiving intelligence of the king of France's captivity, and having alſo offended the pride of cardinal Wolſey; the king of England thought it wiſe to abandon his over-grown ally, and to enter into a negociation with Louiſe, the mother of Francis, and queen-regent of his kingdom. This negociation iſſued in a treaty of peace, wherein Scotland, as uſual, was comprehended as one of the allies of France. But a ſeparate convention was added to the treaty, of the ſame tenour with that annexed to the treaty of 1518; declaring, that the hoſtilities deſcribed in the treaty of 1514, if committed by either nation, after the 25th of the enſuing December, ſhould render this comprehenſion of no effect. By another ſeparate convention, Francis, and the queen-regent, obliged themſelves to give no manner of aid or counſel to the duke of Albany to enter into the dominions of the king of Scotland, while his minority continued.

Aug. 30. Rym. ib. p. 74, 75.

* Angus and the archbiſhop had, for their aſſiſtants, the biſhop of Orkney, the earl of Morton, the abbot of Holyrood-houſe, the lord Seton, and the abbot of Arbroath.

Henry VIII. K. of England. 1525.

In what manner the peace had been maintained between the kingdoms, after the 15th of May, the day on which the truce concluded at London, on the 23d of March expired, doth not appear. It is probable, it was by a ſeries of ſhort truces, concluded from time to time, between the wardens of the marches. In the end of September, the earl of Angus, undoubtedly informed of the treaty between France and England, which was concluded and ſigned in England a month before, received a commiſſion, in conjunction with his fellow counſellor the archbiſhop of Glaſgow, Sir George Douglas his brother †, and others ‡, to treat with commiſſioners, from the king of England, concerning a confirmation of a peace between the kingdoms. Henry, on the 27th of Auguſt, had given a commiſſion, in the uſual form, to the earl of Weſtmoreland, the biſhop of Carliſle, the lord Dacres, and three others *, to treat of a peace or truce with Scotland. Theſe commiſſioners of each nation met at Berwick on the 10th of October, and there concluded a truce for three years; but they agreed to meet again at the ſame place in January, in order to interchange the ſeals and writings neceſſary to corroborate and perfect the treaty. It is probable, the powers of the Scottiſh commiſſioners were objected to; for a new commiſſion was given them on the 6th of January, declaring, that they were appointed with the advice of the three eſtates of the kingdom aſſembled in parliament, and in this commiſſion the term of three years, for which they were empowered to negociate a peace, was particularly ſpecified.

Rym. vol. iv. p. 91.

Ib. p. 114.

A. D. 1526.

Ib. p. 113.

In the interval between the meetings of commiſſioners at Berwick, an effort was made by the earls of Arran, Argyle, the archbiſhop of St. Andrew's, and others of the queen's party at Stirling, to oblige Angus to yield the keeping of the king to the queen, and the other counſellors in their turns. They ſent a meſſenger to Angus, to charge him in their name, with the high guilt of holding his ſovereign in an involuntary ſubjection, and of debarring from their ſhare in the adminiſtration of public affairs, thoſe, who by the appointment of the ſtates of the kingdom had an equal title to it with himſelf; and they required from him an immediate redreſs of theſe enormities. To confute this accuſation of his violently detaining the king, Sir George the earl's brother, had the addreſs to prevail with the king, to declare to the meſſenger, his entire contentment with the company of Angus, and the treatment he received from him, and his deſire to remain in his preſent ſituation. But this declaration was given only to gratify thoſe who had him in their power. He felt the indignity of Angus's uſurpation, earneſtly deſired to be free, and found means to make his ſecret wiſhes known to the queen and the lords of her party. Upon this the lords aſſembled ſome troops, and advanced as far as

Drummond, p. 94. Leſly, p. 417.

† He is called in the commiſſion, George abbot of Holyrood-houſe. There muſt be ſome miſtake here; for Angus's brother William was lately appointed abbot of Holyrood-houſe, and lived ſeveral years after the date of this commiſſion.

‡ The other commiſſioners were, Robert biſhop of Murray, Sir William Scot of Balwery, and Mr. Adam Otterburn of Auldham, king's advocate.

* The other Engliſh commiſſioners were, Bryan Higden clerk, dean of the cathedral of York, Thomas Magnus archdeacon of Eaſtrithing, and Sir William Bulmer. Dacres had not, in this commiſſion, the title of warden of the marches, which he bore in the treaty of the 23d of March laſt: Henry had conferred that office on his favourite natural ſon.

Linlith-

Linlithgow, in their way to Edinburgh; purpoſing to accompliſh by force, what they could not effect by their treaties or remonſtrances. But Angus, with the king in his company, and followed by his own dependents, and the burghers of Edinburgh, boldly marched forth from that city, to face his adverſaries; who, awed by the preſence of their king, or perceiving a force more formidable than they thought of, abandoned their enterpriſe, and retired into different and remote parts of the kingdom. This hoſtile rendezvous of Angus's adverſaries at Linlithgow, happened only three days before the day that had been fixed for his meeting the Engliſh commiſſioners at Berwick, in order to put the laſt hand to the treaty that had been negociated in October. As his perſonal attendance at Berwick was thus rendered impracticable, he ſigned at Edinburgh, in the preſence of Magnus, one of the Engliſh commiſſioners, the indenture of the truce; and gave a written obligation, confirmed by a notorial inſtrument, binding himſelf to ratify all that his brother Sir George Douglas, and Mr. Adam Otterburn of Auldham, two of his fellow commiſſioners, ſhould tranſact and conclude at Berwick in his name. In the narrative part of this obligation, the earl repreſents the aſſembly of the lords, counſellors, and their adherents at Linlithgow, as intended to diſturb and hinder the peace with England, and eſpecially the making due redreſs upon the borders to the ſubjects of that nation *; in order to repreſs which wicked purpoſes, he declares his reſolution, in company with others of the king's counſellors, to proceed towards them with all diligence. The time which Angus's rivals had choſen to attack him, gave him this advantage againſt them, of accuſing them as enemies to peace between the kingdoms; and perhaps they had made choice of that time, in the expectation that Angus would be gone to Berwick. As they immediately retired, upon Angus's approach, the commiſſioners at Berwick muſt have had intelligence of their flight and diſſipation, before the treaty was ſigned, which was on the 15th of March.

James V. K. of Scotland. 1526.

Jan. 10.

Rym. vol. xiv. p. 114.

This treaty, by which a peace was concluded for three years following its date, is nearly of the ſame length with that of 1491, and thoſe ſucceeding it in the reign of Henry VII. Its general articles too are almoſt the ſame with thoſe in the truce of 1499, and in the treaty of perpetual peace concluded in 1502. It was mutually agreed, not to reſett rebels or traitors; and on letters of requiſition, from their prince, to deliver them to the bearer of ſuch letters, or to any other perſon named in them, in twenty days after making the demand. So alſo every kind of malefactors were to be delivered in the ſame manner, in ten days after being demanded by their natural prince or his officers on the marches. Letters of ſafe-conduct were to be granted agreeably to the terms of the treaty laſt-mentioned: but a proviſo was added, that the ſupplicatory letters of the one prince to the other, for a ſafe-conduct to any ſubject, ſhould have the force of a ſafe-conduct, ſo far as to ſecure the ſaid ſubject's return to his own country, although the latter prince had thought proper to refuſe the ſafe-conduct deſired. Murderers were to be proſecuted to death in the man-

Rym. ib.

* Scot of Buccleugh was at that time a mighty border chieftain, and probably was one of the company at Linlithgow.

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Henry VIII. K. of England. 1526.

ner appointed in the treaty of 1499 *. Affairs relating to commerce and intercourſe by ſea, were to be regulated according to the treaty of 1464. The *hot trodd* was allowed in the manner it had been long eſtabliſhed. An article relating to Berwick was inſerted, of the ſame import with thoſe in the truces and peace above referred to of Henry VII. A diſorder frequent in the marches is mentioned for the firſt time in this treaty; and for remedying it a new article is inſerted. It was a common practice of the inhabitants of the marches on both ſides, not only ſecretly and by ſtealth, but in an open and public manner, in great companies, to enter the borders of the neighbouring kingdom, and there to cut down trees and carry them off, againſt the will and in open defiance of their proprietors, which had been a great occaſion of enmity and ſtrife; in order to prevent which, in time coming, it was agreed, that no ſubjects whatever of either kingdom ſhould commit ſuch injuſtice, and that wrongs of this nature ſhould be redreſſed as violations of the preſent treaty; the trees that were cut down and carried away being eſtimated by the oath of their proprietor. The articles relating to fugitives from the one country, that had become ſubjects of the other, and to thoſe who without public authority retaliated or revenged the injuries they had received, were the ſame as in the treaties of 1486 and 1491, and in various ſubſequent ones. It was agreed, that, during the continuance of the preſent truce, the king of Scotland ſhould ſend his ambaſſadors to the king of England, in order to treat of a perpetual peace between the nations †.

Rym. ib. p. 118.

During the two firſt years of this truce, and a conſiderable part of the third, Angus maintained his poſſeſſion of the king's perſon and adminiſtration of the government. By the advice of James Beton, archbiſhop of St. Andrew's, the queen-dowager purſued, in Beton's conſiſtory, a divorce from her huſband, which both parties had long earneſtly deſired. The queen alleging, and Angus acknowledging, a pre-contract with the daughter of the earl of Traquair, the marriage was declared null. The queen ſoon after married Henry Stuart, ſon to the lord Evandale; whom the king, after regaining his liberty from the thraldom of Angus, created lord Methven. Her brother the king of England was diſpleaſed with her divorce and new marriage. This diſſatisfaction with the conduct of his ſiſter, the obſequiouſneſs of Angus to him, and the great affairs of the continent in which he was deeply engaged,

Drummond. Leſly.

* This puniſhment by death is alſo peremptorily appointed in the treaties of 1528 and 1534.

† The friends and confederates of both parties, without making a particular enumeration of them, were to be comprehended in this treaty; unleſs any of theſe ſhould detain or withdraw from either of the kings, any dominions, lands, revenues, penſions, or debts, any how pertaining to them. It was alſo agreed, that Margaret the queen-dowager of Scotland ſhould be treated with the reſpect due to her high ſtation, and ſhould have her dower regularly paid (*a*). The odd exception of the lordſhip of Lorn and iſle of Lundy, was continued in this treaty, as it likewiſe is in the treaties of 1528 and 1584. There was no particular mention of conſervators.

This treaty was ratified by the king of Scotland on the 12th of February; and on the 7th of March, Thomas abbot of Kelſo, and Mr. George Ker provoſt of Dunglaſs, were empowered to deliver and receive its ratifications. Rymer, ib. p. 122. 127.

(*a*) She complains much of the bad payment of this, in her letters to lord Dacres.

all conſpired to make him connive at Angus's violent proceedings, and to attempt nothing for the relief of his nephew. James V. K. of Scotland. 1526.

But while Angus enjoyed this quiet on the ſide of England, he could not hinder the efforts of his enemies at home to bring him down from his immoderate power. One of theſe efforts was made in the neighbourhood of Melroſe, as the king was on his return from a progreſs he had made to Jedburgh, to quell ſome flagrant diſorders on the marches. Angus, with a body of his kindred and clients, was attending the king on this expedition. The border chieftains of Angus's party, the principal of whom were, the lord Home and the lairds of Ceſsford and Farniherſt, with their followers, were alſo in the king's company. The earl of Lennox was likewiſe preſent; who was the favourite and confident of the young monarch, and had contrived this progreſs in the view of effecting his liberation. For this purpoſe he had entered into a ſecret concert with Scot of Buccleugh, and had procured an order from the king to that potent chieftain to exert his power for his ſovereign's reſcue. Buccleugh had deſignedly procured exceſſes to be committed within the territories on the marches, that occaſion might be given to this expedition of the king. He had alſo declined appearing at Jedburgh; but as the king and his company, weakened by the ſeparation of Home and the Kers, who had a little before taken their leave, were paſſing the bridge at Melroſe, Buccleugh ſuddenly appeared on the deſcent of the neighbouring hill ‡, accompanied by a thouſand horſemen, chiefly banditti of the borders. Having deſpiſed a ſummons from Angus to retire and diſperſe his forces, and declared his reſolution to ſee the king, and that the king ſhould ſee the forces he had at that time ready to ſerve him *, an engagement enſued. Home and the Kers were ſtill ſo near as to be able to return in time to give a ſeaſonable aid to Angus's company; who ſoon put Buccleugh and his followers to the rout, with the ſlaughter of more than eighty of their number. Ker of Ceſsford purſuing eagerly, was killed by a domeſtic of Buccleugh; which ſlaughter produced a deadly feud of long duration between the families. The failure of this attempt only ſerved to animate Lennox to a new enterpriſe, for accompliſhing the liberation of his maſter. He forſook the court, united himſelf to Angus's moſt powerful and determined enemies, and formed an army of his own dependents and theirs: but Angus having gained the Hamiltons to his ſide, by ſharing, in ſome degree, his power with them, again prevailed in this ſtrife †; wherein Lennox, a young man eminently amiable and popular, was defeated at Linlithgow, and ſlain in cold blood by Sir James Hamilton, a baſtard ſon of the earl of Arran.

Auguſt 2. Drummond, p. 95. Leſly, 419, 420.

Sept. 3. Leſly.

The Douglaſes and Hamiltons thus united and ſucceſsful, made every thing ply before them; and ſhewed little moderation in purſuing their private intereſts and reſentments. This violence in the adminiſtration was accom- Leſly, p. 426.

‡ Drummond calls this hill Haledon. It is commonly called Hieldun.

* It was the cuſtom of the borderers, ſays Leſly, to draw out their forces and ſhew them to the king.

† Angus was on this occaſion aſſiſted by the Homes and Kers, who, as Drummond ſeems to ſay, were two thouſand in number. Drummond, p. 96.

panied

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panied with many deeds of violence throughout the kingdom. To quell theſe latter, the king marched with ſix thouſand men to Jedburgh; and ſoon after his arrival, a general ſubmiſſion was made to him by all the border chieftains. Examples were made of ſome offenders; but thoſe who ſubmitted were ſpared, on giving ſecurity for their future good behaviour, by oaths and hoſtages. Angus continued to hold the king in thraldom, until what had been enterpriſed in vain by open force, was at laſt effected by the ſurer methods of art and ſubtle contrivance; in which the archbiſhop of St. Andrew's was the chief director. The queen, as part of her dowry, held the caſtle of Stirling; but had no garriſon within it that could raiſe the leaſt ſuſpicion. To that place the king, having in the night eluded the vigilance of his guards, eſcaped from the palace of Falkland; and in conſequence of a previous correſpondence or ſpeedy intelligence, ſoon got ſufficient numbers arround him, to reſiſt the power of Angus and his party. Angus, and the chiefs of his faction, at firſt made a motion towards Stirling; but a proclamation being iſſued, diſcharging them from all their offices, and forbidding them to come nearer the court than by a certain number of miles ‡, they thought it wiſer to retire. But Angus refuſing to ſubmit to a baniſhment beyond the Spey, and his brother Sir George to enter himſelf a priſoner in the caſtle of Edinburgh, they were ſummoned to a parliament, where not attending, they were condemned and forfeited as traitors; the king having declared that they had detained him involuntarily for more than two years; during which time he had been in continual fear and danger.

A. D. 1527. June 7.

A. D. 1528.

Drummond, p. 98.

Sept. 6. Keith, p. 16. Holingſhed. Drummond.

Holingſ. p. 316. Drummond.

Angus, accompanied by his brother and uncle, and others of his kindred and friends, and followed by a great number of his dependents, committed many ravages on the perſons and poſſeſſions of his adverſaries. Simon Panango, one of his principal retainers, held out the caſtle of Tantallon againſt the king; who, being furniſhed with artillery from the caſtle of Dunbar, came againſt it in perſon, but was obliged to raiſe the ſiege. The earl of Bothwell, the moſt powerful chieftain in Lothian, refuſed to accept the command of the forces employed againſt the Douglaſſes. Arran and the Hamiltons the king could not confide in, or did not chuſe to employ; ſtill reſenting againſt them the death of his favourite Lennox: but the ſervice was at laſt undertaken by the earl of Argyle; who received the commiſſion of lord lieutenant, and was chiefly aſſiſted by the lord Home. Theſe noblemen proceeded with ſo much vigour and ſucceſs, that Angus, his brother and uncle, and Drummond of Carnock their ally, being reduced to the laſt extremities, were obliged to ſeek refuge in England, where Henry gave them a hoſpitable reception *.

Such

‡ Leſly ſays, four miles, p. 428. Godſcroft, p. 12.

* According to Godſcroft, while Tantallon was beſieged, the earl was at Billy in the Mers within his barony of Bunkle; being ever unwilling to ſhut himſelf up within walls however ſtrong (according to the maxim received from his predeceſſors, *better to hear the lark ſing than the mouſe cheep*). After the ſiege of Tantallon was over, Buchanan relates, that it was reſolved to ſtation a company at Coldingham to defend the adjacent country from the incurſions and depredations of Angus. Godſcroft ſays, that the old men alive in his time, who had been witneſſes to thoſe tranſactions and actors in them affirmed, that Argyle did nothing of moment againſt Angus; but that

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Such was the ſituation of affairs in Scotland when the term of the expiration of the three years truce with England began to draw nigh. Henry being at that time in terms of perfect friendſhip with the king of France, and the two monarchs united in concerting and proſecuting meaſures for humbling the Emperor; the change which had happened in Scotland, proved no obſtacle to the prolongation of the peace between that nation and England. In order to negociate this, Henry had appointed his commiſſioners on the firſt day of October; but the confuſions in Scotland probably occaſioned the delay of the nomination of James's commiſſioners until the fourth of December. The perſons deputed from each nation having met at Berwick †, made a convention conſiſting of certain articles preliminary to the treaty which they afterwards ſubſcribed. One object of this preliminary convention was, the redreſs of many grievous wrongs and outrages, that had been committed ſince the commencement of the truce now expiring, by the inhabitants of Liddiſdale againſt the ſubjects of England, on the one ſide; and, on the other ſide, by the inhabitants of the Water of Levin, between that Water, Criſſop, and Liddal, againſt the ſubjects of Scotland: the Engliſh affirming, that no due reparation had been made for the exceſſes of the men of Liddiſdale, it was agreed, that the wardens lieutenants of the middle marches of Scotland ſhould meet the warden or lieutenants of the weſt and middle marches of England, before the 11th of January, at times and places accuſtomed for ſuch meetings, and that mutual redreſs ſhould be made of all injuries complained of on either ſide: and in caſe that, by the ſaid 11th of January, or in forty days next following, the exceſſes of the Liddiſdale men were not duly redreſſed, it ſhould be lawful for the king of England, if he thought proper, to give letters of marque to his officers on the marches, authorizing them to invade the inhabitants of Liddiſdale, and to commit all manner of hoſtilities againſt them, until full redreſs and ſatisfaction were obtained ‡. But it was expreſsly provided, that the Engliſh ſhould not beſiege or take the caſtle of Hermitage, or appropriate any of the lands of the invaded country, to the uſe of their king, or receive to his allegiance any of the inhabitants of the country who were Scottiſh men born. Theſe conditions being kept by the Engliſh, it was declared to be unlawful to the king of Scotland, his officers or ſubjects, to give any manner of aid to

Rym. vol. xiv. p. 276. Dec. 12.

that having come to Dunbar, ſome advanced parties from his army were attacked at the Peaſe, and three or four ſcore of them ſlain. He ſays farther, that, according to the ſame teſtimony, Angus was not driven out of Scotland; but left it at the king of England's deſire, who wiſhed him to ſhew this obedience to his own king; and alſo cauſed Angus to deliver up the caſtle of Tantallon. Godſ. p. 259, 260.

† The Scottiſh commiſſioners were, Sir William Scot of Belwery, Maſter Adam Otterburn of Auldham, and Andrew Ker of Farniherſt: thoſe from England, Thomas Magnus archdeacon of the Eaſt-riding, Sir Anthony Uchtred captain of the town and caſtle of Berwick, and Sir Thomas Tempeſt.

‡ Theſe letters of marque are appointed by this convention, to be concluded and agreed in manner and form following, that is to ſay, "with power to invade the ſaid inhabitants of Liddiſ- "dale, to their ſlaughters, burning, heirſchip, robbing, reeſing, deſpoiling, and deſtruction, "and ſo to continue the ſame, at his grace's pleaſure, to the time that the ſaid attempts, by the "ſaid inhabitants of Liddiſdale committed, be fully ſatisfied, redreſſed, and recompenced, in "form foreſaid or otherwiſe."

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the inhabitants of Liddiſdale when thus invaded; on the contrary, they obliged themſelves to aſſiſt the Engliſh in their enterpriſes, as contributing to the benefit of both realms. In the ſame manner, if redreſs could not, in a peaceable manner, be obtained for the injuries committed againſt the Scots, by thoſe who dwelt on the Water of Levin; it was agreed, that the king of Scotland might proceed againſt them by letters of marque, the like conditions being in all points obſerved, as thoſe on the part of the king of England, with regard to the men of Liddiſdale: and it was declared, that ſuch invaſions on the one or other ſide, ſhould be of no effect to the violation or breaking of the truce now agreed. The remainder of this convention reſpected the earl of Angus, his brother and uncle. In behalf of theſe, ſince their forfeiture, the king of England had, by ſeveral letters, ſolicited the favour and mercy of his nephew; and the Scottiſh commiſſioners now declared, that, if it pleaſed the king of England to continue ſuch interceſſions at the Scottiſh court, they ſhould be taken in good part; and farther, that if it happened, that on the humble ſuit of the Douglaſſes, the king ſhould pleaſe to receive them to his favour, this favour ſhould be extended to them in the moſt ample manner, in conſideration of the requeſt of his deareſt uncle of England: but to ſhew how little meaning there was in this courtly article, it was immediately added, that if the king of England ſhould think proper to receive into his kingdom, Angus, his brother, or uncle, at any time during the truce now agreed, the truce ſhould not thereby be in any wiſe violated or infringed: provided that the refugees ſurrendered the caſtle of Tantallon, and their other ſtrong places, to their ſovereign: and that, if after fixing their reſidence in England, they ſhould commit any violences in Scotland, and retire thence to England, ſuch wrongs ſhould be redreſſed, agreeably to the laws and order of the marches.

Dec. 14.

By this preliminary convention, the principal difficulties obſtructing the continuance of peace between the nations being obviated, a treaty was ſubſcribed two days after; by which a truce was made for five years immediately following its date. The articles of this truce were in all points the ſame as thoſe of the preceding. The only difference was in the introduction; which, after ſetting forth in ſtrong terms the reaſons and advantages of a perpetual peace between the two nations, alleged the immaturity of years and underſtanding on the part of the king of Scotland, as a ground of delaying ſo important a meaſure, and of being content for the preſent with a truce for the period above-mentioned.

Rym. lb. p. 278.

A. D. 1529. Buchan. l. 14.

In the following ſpring, the earl of Murray, baſtard-brother of the king of Scotland, being made about that time lieutenant of his kingdom, met on the marches with the earl of Northumberland, in order to the redreſs of wrongs and outrages; and in particular, as is probable, of thoſe mentioned in the late convention at Berwick. But ſuch oppoſition was made or difficulties raiſed by the offenders and their patrons, that at this meeting nothing of moment was effected *. Hereupon the king of Scotland and his council reſolved on more vigorous meaſures. A great aſſembly of the Scottiſh nobles was held at

* Buchanan ſays, that their conferences broke up by Murray's inſiſting, that the meetings for redreſs, ſhould be held in Scotland, agreeably to what was ſettled in the preceding reign, for expiating the murder of Robert Ker, to which the earl of Northumberland would not agree.

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Edinburgh in May, wherein the king preſided. Before this aſſembly were tried and convicted by aſſize, ſeveral of the border-chieftains, for exceſſes committed by their direction; or on account of the protection they gave to the guilty. The earl of Bothwell was forfeited and impriſoned in Edinburgh caſtle †. The lords Home and Maxwell, the lairds of Buccleugh, Farniherſt, and Polwarth, Johnſton, Mark Ker, and others, were alſo committed to cuſtody. By authority of the ſame aſſembly, William Cockburn of Henderland, and Adam Scot of Tuſhilaw, commonly called *King of Thieves*, were beheaded, and their heads ſet over the public priſon of Edinburgh. But to give a blow to the root of thoſe enormities, the king undertook an expedition to thoſe parts of the marches where they chiefly prevailed; chuſing rather to execute juſtice againſt his unruly ſubjects by his own ſtrength, than to leave this work to forces employed by the king of England. In this expedition he was accompanied by eight thouſand men, who having marched with great celerity into Euſdale, laid hold on many of the banditti in their faſtneſſes. Forty-eight of which he cauſed to be hanged on growing trees. Among theſe was John Armſtrong, who had made himſelf ſo formidable, that the inhabitants of the neighbouring marches of England, to the diſtance of ſeveral miles, are ſaid to have paid him tribute. The king, after his return, diſmiſſed the border-chieftains, whom he had left in cuſtody; obliging them to give hoſtages for their future good behaviour. Theſe vigorous meaſures reſtored quiet on the borders, and were an early ſpecimen of that attention and induſtry for which this king was always renowned, in hunting ſuch offenders out of their retreats, and bringing them to deſerved puniſhment ‡.

1529. Holingſhed, p. 317. According to Leſly, on the 15th of June. Leſly, p 430, 431.

Buchanan.

This year was remarkable, for the commencement of the king of England's proſecution of a divorce from his queen Catherine; whom, by virtue of a papal diſpenſation, he had long ago married, after ſhe had been the wife of his brother Arthur. The firſt great conſequence of this proſecution was the diſgrace of his favourite cardinal Wolſey, who had managed, with a very abſolute authority, the king himſelf and all his affairs, for near twenty years; but was at laſt driven out by the aſcendant of Anne Boleyn, Henry's female favourite, whom Wolſey had offended, and whom the king deſigned for partner of his bed. Henry finding it impoſſible to conciliate the Emperor to the project of divorcing his aunt, and that, by the Emperor's ſuperior influence at the court of Rome, all his meaſures to gain the Pope to his ſide were thwarted, reſolved to carry his point by means ſubject to his own direction. He obtained judgments from his parliament, clergy, and univerſities, againſt the validity of his marriage with his brother's widow; as a thing contrary to the divine law, and therefore not to

† He was afterwards ſent into Murray-land, and laſtly baniſhed the realm during the king's life. He choſe Venice for the place of his retreat. *Venetias quaſi ad ipſum libertatis portum communeque exterorum aſylum ſe contulit, ubi tempus quo rex vivebat in libera civitate ſecure, ac ut nobilis opibus affluens, ſuaviſſime traduxerat.* Leſl. p. 431. But how can this be reconciled with the account in Douglas's Peerage, p. 85. that Patrick third earl of Bothwell (ſon of Adam who was killed at Flodden) died an. 1534, and that his ſon Patrick fourth earl, got a charter in 1537, under the great ſeal, of the lands of Lochwarret, Park-hakra, &c.? The time of the death of this fourth earl, the father of James, Mary's huſband, is not mentioned by Douglas.

‡ It was ſaid of him, *that he made the ruſh buſh keep the cow.*

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A. D. 1532.

be diſpenſed with by the Pope; and their judgments were corroborated by the opinion of many foreign univerſities and learned men. In order to ſtop appeals to Rome, and to obviate the dangerous conſequences of papal excommunications and interdicts, he obtained an act of his clergy in convocation acknowledging him as head of the Engliſh church, and making a formal ſubmiſſion to him as inveſted with that prerogative *. Theſe were the ſteps that

Nov. 14. paved his way to what his heart was long ſet upon, his marriage with Anne Boleyn, which gave the higheſt provocation to the Emperor; a conſequence ſo agreeable to the king of France, that he inſtigated Henry all he could to conclude the match.

During theſe tranſactions in England, all remained quiet on the ſide of Scotland †, until nigh the time of Henry's marriage with Anne. A little before this marriage, there was an interview between Henry and Francis at

October. Boulogne and Calais; where they concerted meaſures for their mutual defence againſt the Emperor and the Pope. The Scots, having about that time, committed ſome outrages on the Engliſh by ſea and land, which were not redreſſed, Henry apprehending that his going out of his kingdom, might encourage

Hall. H. viii. fol. 212. them to continue ſuch exceſſes, ſent Sir Arthur Darcy ‡ to Berwick, with three hundred tall men, for the defence of the Engliſh marches. The Scots, ſoon after Darcy's arrival, to ſhow they were not afraid of him, made an inroad by the middle marches, as far as Fowberry; in which inroad they burnt ſeveral villages. Not content with doing this miſchief, they boaſted of it, ſaying, that *Darcy had brought them good fortune, and that he and Angus ſlept well at Berwick.* This provoked Darcy and the earl to make an incurſion from Berwick with four hundred men, in which they ſet fire to a village. Twice the number of Scots ſoon aſſembling, ths Engliſh leaders ordered a retreat to be ſounded. But Angus with twenty attendants making a ſtand upon a hill, and cauſing a trumpet to be blown behind them; the Scots thought there were two bands of the Engliſh, and thereupon turned their backs; the Engliſh purſuing, ſlew ſeveral of them, and took many priſoners, who were brought into Berwick on the 20th of October §. Henry being informed of the Emperor's treating with James to invade England, did the more readily liſten to Angus inſtigating him to hoſtilities againſt Scotland. In conſequence of which,

* This was confirmed by an act of the parliament that met in November 1534.

† Leſly ſays, that in 1531, the king of England perceiving his marches expoſed to great danger from irruptions of the Scots, on account of the Engliſh marches being worſe inhabited than thoſe of Scotland; propoſed to his parliament *(habita omnium ordinum concione egit ſerio)* that a poll-tax ſhould be impoſed to raiſe bulwarks to reſiſt theſe incurſions. But the Engliſh would by no means ſubmit to this taxation. Leſly, p. 435.

‡ Sir Arthur Darcy was the ſecond ſon of Thomas lord D'Arcy, which lord was long employed on the marches in Henry VII. and beginning of Henry VIII.'s reign: he was captain treaſurer and chamberlain of Berwick, and cuſtomer of the port. Dugd. vol. ii. p. 374.

Drummond ſays, that Darcy, on being ſent to the borders, ſolicited the Scottiſh court for the reſtoration of the earl of Angus; but that theſe ſolicitations had no effect, yea were ſcorned. Drum. p. 99.

§ Leſly ſays, that in this incurſion of the Engliſh, in which, according to him, they were routed and driven back by the Scots to Berwick; the earl of Angus, being taken priſoner in the flight, induced by ſplendid promiſes thoſe who had taken him, to allow him to return into England; which coming to the ears of the king of Scotland, gave him great diſpleaſure. Leſly.

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in the following ſpring, the Berwick garriſon, joined by ſome ſelect companies from Northumberland and Weſtmorland, were led forth by Darcy into Scotland. They plundered and burnt Coldingham, Dunglaſs, and other villages, and ravaged the country towards Dunſe. Some ſhips of war were alſo about the ſame time ſent northwards by the king of England, to protect the trade of his ſubjects, and make repriſals for certain depredations committed at ſea by the Scots. Henry likewiſe about this time, publiſhed a manifeſto, wherein, he alleged, that the garriſon of Berwick had been provoked by ſome inſulting language of the Scotchmen. In this manifeſto, he required the reſtitution of the poor little abbey of Cannaby, as having of old belonged to the Engliſh, and that the Douglaſſes ſhould be reſtored to their country and ancient inheritances.

James V. K. of Scotland.

A. D. 1533.

Buchanan. Drum. p. 99.

Buchan. l. 14.

It is likely that Angus had flattered himſelf, that the ſtrait union between France and England, preſented a favourable opportunity of effecting the reſtitution of himſelf and his friends; as Scotland on a breach with England, could have no encouragement or help from their ancient allies. But James, at all times, ſhowed an inſuperable averſion to the return of the Douglaſſes. The mercenary ſoldiers employed on the borders by the Engliſh, being too numerous and powerful for the Scottiſh borderers to contend with, it was reſolved to divide the whole fighting men of Scotland into four parts, and that each of theſe ſhould in their turn ſerve forty days, in defence of the borders. The direction of the whole was intruſted to the earl of Murray, who was again created lieutenant of the kingdom. The conſequence of theſe meaſures, was a continuation of hoſtilities, and the deſtruction of various caſtles and villages in the neighbourhood of the marches *. But Henry's other arduous affairs rendering it highly inconvenient for him to engage in a ſerious and continued war with Scotland, he readily accepted the mediation of the king of France, for compoſing his differences with the Scottiſh king.

Buchanan. Drummond.

Commiſſioners for negociating a peace or truce, were nominated by both kings about the middle of ſummer †; and the place agreed on for their meeting was Newcaſtle. But many difficulties ariſing, the negociation was ſpun out till the firſt of October; and hoſtilities were ſtill committed on the marches. At laſt by the intervention of a French ambaſſador ‡, who was ſent over on purpoſe, a truce was concluded for a year. This truce being declared in the tenor of the treaty, to be no more than a ſimple ceſſation of hoſtilities;

Rym. vol. xiv. 480, 481. June 19. Hall. H. viii. fol. 218. 2. Ho'ing. p. 318. Buchan. l. 14. Rym. ib. 480.

* Henry, having ſent George Boleyne lord Rochefort, brother to his new queen, to acquaint Francis with his marriage, did at the ſame time inform him, how the Scots under the earl of Murray had done ſome hoſtile acts in his kingdom; wiſhing him not to take it ill, if he revenged himſelf on the Scots. Herbert. 161.

† The Scottiſh commiſſioners were, Sir James Colvile of Eaſt-Weems, director of the Chancery, Sir John Campbell of Lundy, and maſter Adam Otterburn of Auldham king's advocate. Their commiſſion was given at Air. Colvill and Otterburn were only preſent at Newcaſtle. The Engliſh commiſſioners were, Thomas Magnus archdeacon of the Eaſt-Riding, Sir Thomas Clifford captain of Berwick, Sir Ralph Allerker, and Sir Thomas Wharton, whoſe commiſſion was dated the 14th of June at Weſtminſter. The treaty is in Engliſh, containing only the two articles mentioned above, and another general one.

‡ Buchanan calls him Vido Floreus. (Floreus I ſuppoſe is Fleury.)

Henry VIII. K. of England. 1533.

it was agreed, that during its continuance, all lands, poſſeſſions, dominions, and goods, ſhould remain in the hands of thoſe who at preſent held them: Only theſe wrongs that had been committed ſince the 2d day of the preceding July *, together with thoſe that ſhould be committed during the preſent truce, were appointed to be redreſſed, agreeably to the laws of the marches and particularly in conformity to the treaty of truce and ſeparate convention, concluded at Berwick in December 1528.

Rym. vol. xiv. p. 529. A. D. 1534. May 11.

The mediation of the French king being ſtill continued, and deriving greater weight from the earneſt deſire entertained by the Scottiſh king, of obtaining Francis's eldeſt daughter in marriage, a peace was concluded between Henry and James at London, in the following May †; to continue during the joint lives of the kings, and a year after the death of him who died firſt. In this treaty appear two new articles, that are to be explained from the circumſtances of the times. The Emperor had threatened to invade England, and was about the very time of this treaty endeavouring to negociate a marriage between ſome of the princeſſes of his blood and the king of Scotland, whom he had likewiſe honoured with the order of the Golden Fleece. To obviate the evils that might be apprehended from that ſource, it was agreed, that in caſe of the dominions of either prince being attacked or invaded by any of whatever ſtate or degree, the pretending to ſupreme authority, either ſpiritual or temporal, and however ſtraitly connected by blood, affinity, or confederacy with the other prince, that this prince ſhould be in no way whatever aſſiſting to him; and to the utmoſt of his power, ſhould hinder his ſubjects from giving aid to ſuch aggreſſors and invaders; but a proviſo is immediately ſubjoined, declaring, that it is not meant by this treaty, or any of its articles, to derogate from the ancient leagues and treaties which the preſent kings of Scotland and England, or their progenitors, had contracted with the king of France, or his anceſtors. The other article, is contrived to diſappoint the effect of papal cenſures or diſpenſations, which Henry at preſent had ſo much cauſe to dread. It was therefore agreed, that neither of the princes ſhould avail himſelf of any ſuch ſentence, as a pretence for infringing any part of the preſent treaty; but that both of them ſhould in the moſt expreſs and public manner, within three weeks after the date of this treaty, by their oaths and writings, diſclaim the uſe of all ſuch exceptions or privileges, which their commiſſioners at preſent did in their names ‡. The reſt of the articles of this treaty, relating to the order to be kept on the marches, to the ſtate of Berwick, and other points, uſually

Buchan.

* The redreſs of the wrongs committed before that date ſeems to have been referred to the two kings. Hall. H. viii. fol. 218. Hol. Hiſt. Sc. p. 318.

† The commiſſioners who negociated this peace for the king of England were, Sir Thomas Audely chancellor of England, (who ſucceeded Sir Thomas More in 1532.) Thomas Cromwell ſecretary, Edward Fox almoner, John Tregonwell privy counſellor, and Richard Givent principal official in the court of Canterbury; and for the king of Scotland, William Stewart biſhop of Aberdeen, treaſurer, and Sir Adam Otterburne of Reedhall.

‡ The commiſſioners from each prince had particular articles in their commiſſions, impowering them to make ſuch renunciations.

ſettled

James V. K. of Scotland.

settled by such conventions, are entirely the same with those in the truces of 1526 and 1528 *.

1534. Rym vol. xiv. p. 548.

On the day after subscribing this treaty, the same commissioners subscribed a separate instrument, whereby the king of England engaged to restore to his beloved brother and nephew of Scotland, the house or fortress of Eddrington †, which the former had acquired in the late war; declaring, that he made this restitution, as a proof of his gratitude, benevolence, and real friendship, to the Scottish king. The possession of this place, with its lands and other appendages, as held before the war, is confirmed to the king of Scotland, and its late owners his subjects, free from molestation and injury on the part of the king of England, the vassals or subjects of his kingdom, or the inhabitants of the town and castle of Berwick ‡. The other article of this convention §, relates to the earl of Angus, his uncle, and brother. These refugees the king of England is allowed, during the present peace, still to entertain in his kingdom, as long as he pleases, notwithstanding the articles of the treaty just concluded, as well as of former treaties, disallowing the reception or maintenance by either prince of traitors, rebels, or persons, suspected of treason against the other. But a proviso is added, appointing all wrongs committed by these persons, while holding their ordinary residence in England, upon the subjects of Scotland, and within the marches of that kingdom, to be redressed according to the laws of the marches ‖.

A. D. 1535.

Henry, with the concurrence of a parliament that met this year in January, having entirely abolished the papal power and revenues in England, had reason to apprehend, that all the arts and influence of the Roman conclave would every where be employed to distress him. Having also had sufficient ex-

* In order to obtain all possible security by this treaty, in so critical a time; the king of Scotland, by the last article, is obliged in six days after demand, made in name of the king of England by his ambassador, to confirm the treaty by an oath taken in the presence of a notary and witnesses, and vouched by an instrument subscribed by his hand, and confirmed by his great seal; the king of England being in the same manner bound to give the like security to the Scottish king.

† *Domum habitationem sive fortalitium de Eddrington.*

‡ *Per dictum illustrissimum regem Angliæ, vassalos sive subditos regni Angliæ, aut inhabitantes villam & castrum Berwici quoscunque.* This favours the idea, suggested by the whole series of treaties concluded, since the recovery of Berwick by the English, in the end of the reign of Edward IV. that Berwick was not considered as a part of the realm of England.

§ Angus, is in this convention, called Archbishop, *formerly (olim)* earl of Angus. Thus a rebel and exile gradually loses his importance; and thus even the haughty Henry was obliged, by a change of times, to change his style.

To the article in the treaty, signed the day before, which relates to this subject, an exception is added, which allows the provision made in favour of the Douglasses by this separate instrument.

‖ James swore to the observation of this treaty, and to take no advantage of any dispensation or other pretext for the breaking it, on the last day of June in the chapel of St. Andrew within the monastery of Holyrood-house, in the presence of Hugh, prior of the monastery at Durham, Thomas Magnus archdeacon of the monastery at York, and William Franklin archdeacon of Durham, ambassadors from the king of England, and several of his own prelates and nobles. He also subscribed before the same persons as witnesses, a written instrument containing his ratification and oath; all which was attested by two Scottish and two English notaries. At the same time, he ratified the separate convention of the 12th of May. Six days after, he gave a commission to Robert abbot of Kinloss, to receive from the king of England the like securities. Rym. vol. xiv. p. 540,—543.

perience

Henry VIII. K. of England. 1535. Herbert, p. 176. 184.

perience of the fragility of the bonds of public treaties, though confirmed by all the moſt ſacred ſolemnities; he was at great pains to conciliate the friendſhip of his nephew, and to inſpire him with the ſame ſentiments, which he himſelf had adopted, with regard to the papal uſurpations. For this purpoſe, he employed at the court of Scotland lord William Howard, and others, both during the time that the preſent treaty was negociating, and in the following ſummer. As a mark of friendſhip, he conferred on James the order of the Garter. He alſo earneſtly ſolicited a perſonal interview with him, but while Henry propoſed that this ſhould be held at York, James and his council thought Newcaſtle a more proper place, and afterwards propoſed that the two kings ſhould meet in France, in preſence of their common friend the French king. It is alſo ſaid that Henry offered to James, that if he would enter into an entire and hearty union with him, againſt Rome and his other adverſaries, he would create him duke of York, and declare him heir of all his dominions. But the influence of all theſe ſoothing overtures, was defeated by the arts of James's clergy; who had the chief management of his affairs, and having their all at ſtake, employed the joint power of their perſuaſions and purſes, to fix him in their own intereſts.

Buchanan.

A. D. 1536.

James being the only remaining male in the direct line of the royal race, was very intent on finding a wife. He had been for this purpoſe, negociating for ſome time in France, but wearied out with the ſlow proceedings of his miniſters, he reſolved to make a viſit to that kingdom, in order to conclude ſo intereſting an affair by his own judgment and choice. In this expedition, he was ſo ſucceſsful as to obtain in marriage Magdalen, the eldeſt daughter of the French king, whom after having ſeen, he preferred to another lady of the royal race, who had been propoſed to him by Francis. So intimate a connexion with France was not agreeable to the king of England; yet for the preſent, as Henry was in very good underſtanding with Francis, it diſpoſed James to cultivate peace with England. And this pacific diſpoſition, together with the circumſtance of his being abſent in France, was particularly happy for England at the preſent juncture. For the diſſolution made by Henry of the ſmaller Engliſh monaſteries and diſperſion of their inhabitants, all zealous friends of the Pope, had excited inſurrections, firſt in Lincolnſhire, and afterwards in Yorkſhire *, and the adjacent northern counties, which would have been much more formidable, if they had been ſupported by aids from Scotland.

A. D. 1537. Jan. 1.

The death of the divorced queen Catherine, in the beginning of 1536, and the execution of Anne Boleyn in the following May, had removed the capital grounds of diſſenſion between the Emperor and Henry. Some intercourſe

* That in Yorkſhire was called *the pilgrimage of grace*, Sir Thomas Percy, younger brother of the earl of Northumberland, was engaged in it; and being attainted for rebellion was hanged at Tyburn. His brother, the earl, dying ſoon after, to whom Sir Thomas would have been heir, *gave away a great part of his land to the king and others.* (So Dugd. vol. i. p. 283.) By reaſon of all which, the title of this earldom continued dormant, until queen Mary revived it to Thomas Percy, ſon of the ſaid Sir Thomas. (Dugd. ib. Herbert, p. 212. Stowe, p. 574.) The caſtles of Alnwick and Warkworth, were during that time, in poſſeſſion of the king.

was ſoon reſtored betwixt them; a new war alſo aroſe between Charles and the king of France; and not long after, the ſucceſſion to the crown of England was rendered clear, by Jane Seymour's bearing Henry a ſon. Theſe circumſtances, joined to the entire and eaſy quelling of the late inſurrections in the north, rendered Henry ſo ſecure at home, that he proceeded to give the laſt blow to the pillars of the papal power, by diſſolving the larger monaſteries, ſeizing their wealth, and deſtroying all the implements of their ſuperſtition. The Pope, no longer able to bear ſuch outrages, iſſued his bull of excommunication and interdict againſt Henry; which was publiſhed by his agents in ſeveral public places of France, Flanders, and Scotland.

James V. K. of Scotland.

1537, Oct. 12.

1538, 1539.

1538, Dec. 13.

The king of Scotland, by this time, had brought home his ſecond wife, Mary of Lorrain; a match ſtill more diſpleaſing to his uncle than the former, as Henry had ſought this lady, though too late, for a conſort to himſelf. Soon after Henry's jealouſy was excited by an interview between the emperor Charles and Francis on the coaſt of Provence; and his apprehenſions from the union of theſe mighty powers, were farther increaſed, by the viſit that Charles made to Francis in the capital of the latter, in paſſing through France from Spain to Flanders, to quell an inſurrection at Ghent. The conſequence of theſe apprehenſions was, Henry's courting the alliance of the proteſtant powers in Germany, and his comfortleſs marriage with his fourth wife Anne of Cleves *. About the ſame time he ſent Sir Ralph Sadler to the king of Scotland †; who carried with him a preſent of horſes, accompanied with great profeſſions of friendſhip, and with informations, admonitions, and promiſes, expreſſive of this friendſhip, and tending to procure ſuitable returns from his nephew. James, in anſwer to all theſe, declared, in the ſtrongeſt manner, his gratitude, affection, and fidelity, to his uncle; and the good order which he at that time cauſed to be kept on the borders, agreed with theſe profeſſions. But when Sadler propoſed an interview between the two kings, James evaded the motion, by propoſing that the French king ſhould alſo be preſent; nor could Sadler ſucceed in endeavouring to give James a bad impreſſion of cardinal Beaton and the reſt of the Scottiſh clergy, which was a principal part of his errand ‡. Henry, in this uncertain ſituation, while he was fortifying various places on the coaſt of England againſt the apprehended invaſion from the Emperor and France, beſtowed alſo ſome care on the ſide of Scotland, to repair the decayed fortifications, and to make other neceſſary proviſions for the ſecurity of the borders. James, on the other

1538, July 14.

Herbert.

A. D. 1540.

Herbert, p. 202.

* One quality of Anne, that recommended her to Henry, was her ſize; being large, which ſuited his own, as he was now grown corpulent.

† Sadler had been employed in Scotland before, in 1537, about the time that James returned from France with his firſt wife, Magdalen.

‡ For this purpoſe Sadler carried with him a letter of the cardinal to his agent at Rome; part of it dated from Kelſo, 16th Nov. 1539; by which Henry thought Beaton was convicted of an intention to exalt his eccleſiaſtical authority above the royal power of his maſter. Henry pretended, that this letter had been accidentally left by a ſervant of the cardinal, who was driven on ſhore by a tempeſt, on the north of England: but as Sir Ralph Sadler was on his way to Scotland, he was informed by John Horſley, captain of Bamburgh, that he (Horſley) had taken the pacquet containing this letter, by force, from Brunſton the cardinal's agent.

Henry VIII. K. of England.

1540.

hand, equipped a fleet of fifteen ſhips, and kept in readineſs two thouſand men; his clergy furniſhing him with money, and thereby in ſome degree verifying what he had told Sadler, when admoniſhing him, in his maſter's name, to improve his revenue by diſſolving the religious houſes; that he needed not, as the clergy were ready to furniſh him whatever ſums he might demand *.

Sadler's letters, p. 39. 58.

Herbert. Henry's manifeſto in Hall and Holingſhed.

A. D. 1541.

Henry, not omitting the neceſſary precautions for defence, did ſo intermingle them with frequent and kind meſſages to his nephew, that quiet was ſtill preſerved on the ſide of Scotland. At laſt he obtained the conſent of James to an interview at York, and having ordered great preparations for his reception, made a progreſs to that city, in the expectation of meeting him. But James broke the appointment; and while his uncle remained at York, ſome of the Scottiſh borderers made an inroad into England. This uſage irritated Henry extremely; and he returned to his capital, fully reſolved on a war againſt Scotland; in order to avenge himſelf of the affront he had received, and to force the Scottiſh king to a compliance with all his meaſures. On the other hand, James, though hindered by the influence of his clergy and of France from holding a perſonal interview with Henry, was yet at much pains to prevent, or at leaſt to delay, an open breach with him. For this purpoſe he ſent ambaſſadors into England, who apologized in the beſt manner they were able for their maſter's conduct, and at the ſame time were moſt profuſe in the expreſſions of affection and eſteem which he bore to his uncle †. Henry was perſuaded by their importunities to ſend commiſſioners to meet on the borders with others from Scotland, in order to ſettle ſome diſputes that had

A. D. 1542.

ariſen about the limits of certain grounds there. Theſe commiſſioners could not agree about a piece of land of ſmall value, which the Scots had ſeized, and the commiſſioners of that nation refuſed to reſtore; on pretence that the evidences adduced of its belonging to England had been forged by Engliſhmen: while the Engliſh commiſſioners did, on the other hand, allege, that the writing was ſo ancient, and the value of the land in queſtion ſo ſmall, as to remove all ſuſpicion of fraud. But, although the commiſſioners could not ſettle this point, they ſeparated in a friendly manner; each ſide iſſuing the accuſtomed orders for preſerving peace on the borders ‡.

July 4.

This meeting was held on the marches in the beginning of ſummer, and was ſoon followed by an inroad of the Scottiſh borderers into England, wherein all kinds of hoſtilities were committed. Henry, alſo, about this time, ſent a body of forces to defend his border againſt thoſe attacks, and to repay them

* James's clergy, in acknowledgment of his zeal in ſupporting the catholic faith, and oppoſing the entrance of Luther's hereſy into his kingdom, made a ſettlement of a certain ſum upon him for certain years; of which donation James ſolicits a confirmation from the Pope, who ſcrupled to grant it. The king's letter is from Stirling, 12th April, 1541.

† Henry's manifeſto ſays, that theſe ambaſſadors, who came to the Engliſh court about Chriſtmas, gave *good words, ſweet words, pleaſant words.*

‡ Lord Maxwell, warden of the weſt march, according to the manifeſto, iſſued ſuch orders; but at the ſame time warned the Scottiſh borderers, to withdraw their goods from the Engliſh border.

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in kind. Mean while the king of Scotland desisted not from his endeavours to pacify his uncle. Sir James Learmonth, the master of his household, was sent to the court of England, with new apologies and offers of redress for past excesses. While Learmonth was thus negociating, Sir Robert Bowes, captain of Norham castle and warden of the east marches, having collected a body of three thousand horse, and being accompanied by the earl of Angus, the earl's brother Sir George, and others of that kindred, entered Scotland over the dry marches, in the eastern corner of Tiviotdale, purposing to advance towards Jedburgh, and destroy the country in their way. But they had scarce passed the march, when they were met on Hadden-Rigg, by George Gordon earl of Huntley, to whom the king of Scotland had intrusted the defence of these borders. A fierce encounter ensued; which was determined in favour of the Scots, by the timely arrival of lord Home * at the head of four hundred lances. The English were put to the rout; their leader Bowes, his brother Richard, Sir William Mowbray, and others, to the number of six hundred, being taken prisoners †.

James V. K. of Scotland. 1542.

Drummond.

Aug. 24.

The king of England had been more successful at sea, his ships of war having taken twenty-eight vessels belonging to the Scots. But no prospect appearing of bringing his nephew to the terms he desired, he at last gave orders to assemble an army of twenty thousand men at York ‡; conferring the command of it on the duke of Norfolk, who was accompanied in the expedition by many of the English nobility and courtiers §. James, still desirous to avoid, or rather to delay the extremity of an open war, sent ambassadors to York ‖; with whom Henry was prevailed upon to appoint the duke of Norfolk, and some of the great men who accompanied him, to enter into a treaty. Here the Scottish ambassadors made a proposal of an interview between the kings; which having been for a long time the favourite object of Henry, seems to have been greedily listened to. But the proposal of place **, to which Henry could not agree, and certain defects in the commissions and instructions of the Scottish ambassadors, the rectifying of which gave occasion to reiterated messages to the court of Scotland, made it evident that the view of these transactions, on the part of the Scots, was only to gain time. Hereupon Henry sent the last orders to his army to advance into Scotland. He also

Herbert. Hall. Holingshed.

* Buchanan says, that lord Home, with four hundred horsemen, first encountered the English; who fell into disorder, and fled, on perceiving the earl of Huntley advancing to the assistance of his countrymen. James was so much pleased with this advantage, that he made a present of the lands of Hirsel to Sir Andrew Ker of Littledean, for bringing him the first news of it. Home of Godscroft.

† Henry complains in his manifesto, that the Scots refused to dismiss these prisoners for ransom; which, he says, was contrary to the usage and custom of the borders, in the time either of peace or war.

‡ To defray the expence of this armament, he raised considerable sums by a loan. Carte, vol. iii. p. 166.

§ These were, the earls of Shrewsbury, Derby, Cumberland, Surrey, Hertford, Angus, Rutland, and the lords of the northern counties. Sir Anthony Brown master of the horse, and Sir John Gage comptroller of the king's household.

‖ James's ambassadors sent to York were, the lord Erskine, and others.

** Perhaps Newcastle. No place is mentioned in the manifesto.

Henry VIII. K. of England. 1542.

publiſhed a manifeſto, declaring the grounds of the war; which are in ſubſtance, the injuries and affronts received in the inſtances above-recited, by himſelf and his ſubjects, from the king and ſubjects of Scotland; to which it is alſo added, that the Scots, contrary to treaty, entertained in their country certain rebels who had been engaged in the late inſurrections in England. This manifeſto alſo aſſerts the ſuperiority of the kings of England over the kingdom of Scotland, and gives a long deduction of the ſame ſort of proofs by which Edward I. and ſome of his ſucceſſors, endeavoured to ſupport this claim. But Henry declares, that it was no part of the purpoſe of the preſent war, to extort from his nephew the acknowledgment of this ſuperiority; it being ſtill his reſolution to maintain that moderation and natural affection which had hindered him from availing himſelf of the victory at Flodden, in James's minority, and the inteſtine diviſions of his kingdom; all which had afforded the moſt favourable opportunities of gratifying his ambitious views on the ſide of Scotland, had any ſuch views been ever entertained by him.

Whatever ſhare is to be aſcribed to the artful management of the Scottiſh king, in delaying the approach of the Engliſh army, it is certain the duke of Norfolk did not enter Scotland until the 21ſt of October. Norfolk is ſaid to have obliged Learmonth, and the other Scottiſh ambaſſadors, to accompany him in his march as far as Berwick; that they might not give intelligence of his proceedings to his maſter. James, however, having received certain information that the Engliſh were advancing, augmented the body that Huntley commanded to ten thouſand men; a reinforcement being ſent for that purpoſe, under the lords Home, Seaton, and Erſkine. This little army watched, at a convenient diſtance, the motions of the Engliſh up the ſide of the Tweed, and hindered their ſpreading far into the country. Norfolk's army advanced a few miles above Kelſo, and burnt in its progreſs ſeveral places near the Tweed *, the moſt conſiderable of which was Kelſo itſelf and the abbey. While the duke was at Farnton, the fourth day after his entering Scotland, the biſhop of Orkney and James Learmonth, being ſent from the king of Scotland, had a conference with him near his camp, in order to the reſtoring of peace, but without effect: and Norfolk, having no proſpect of bringing matters to the deciſion of a battle, and finding his army beginning to be diſtreſſed by ſcarcity of proviſions and the rigour of the ſeaſon, led it back to Berwick, after having been only eight days on Scottiſh ground.

Herbert, p. 223.

Hall. Holingſhed.

Mean while the king of Scotland having received intelligence that Norfolk intended to direct his march towards Edinburgh, drew together an army of thirty thouſand men on the Fala-moor, ſituated on the road between Edinburgh and Kelſo, at the diſtance of about twenty computed miles from the border. But before he had completed the neceſſary proviſion of ſtores and implements of war, he learned Norfolk had left Scotland and retired to Ber-

Buchan. l. 14. Drummond.

* The towns and villages burnt by the Engliſh army, according to Hall, were the following: Paxton, Ramrigg, Stein, Graden, Sheils, Lang Ednim, Newtown, Stitchel, Nenthorn, Smallholmſpittle, the two Muirdeans, Slederick, the two Broxlaws, Floors, and the Fair Croft, Ednemſpittal, Roxburgh, Kelſo, and the abbey, Long Sprowſtown, Ryden, and Haddenſton. Abbeys were not now accounted ſacred by the Engliſh.

wick.

wick. His next object was to proceed with his army into England, and to take revenge for the deſtruction that the Engliſh had committed on the Scottiſh borders: but having propoſed this to the nobles and chieftains of his camp, they almoſt unanimouſly refuſed to accompany him farther. They alleged the rigour of the ſeaſon, ſcarcity of proviſions, the honour already acquired, by the retreat of ſo formidable an army of his enemies into their own country upon his approaching towards them, and their own anxiety for the king's perſon, who had at that time no children alive. But the genuine motive of this obſtinate refuſal was their diſſatisfaction with the king's meaſures and miniſters. He had made great efforts to defend his royal prerogatives and revenues, againſt the encroachments of his nobles: he had ſeverely puniſhed the enormities of many of them, particularly of the border-chieftains, by impriſonment, fines, and exile *. The family of Angus, to whom the king was implacable, had many friends in the kingdom; a conſiderable number alſo ſecretly favoured the reformation of religion, and of conſequence were enemies to the clergy: and the aſcendant which men of that order and their dependents had over the king, was extremely provoking to the lay-lords. When the Scottiſh nobles were in this temper, the beſt opportunity they could have of gratifying it, was when attending their ſovereign in his camp at the head of their vaſſals; who were much more the ſoldiers and ſubjects of their ſeveral chieftains than of the king. It was even ſaid that they had entered into a plot to re act the proceedings at Lauder, in the time of James III. againſt the king's favourites; and that the king, alarmed at the meaſures prepared for their deſtruction, ſent them from the camp to Edinburgh. Thither he ſoon followed in perſon, after having diſmiſſed his army; and vented his diſpleaſure in many grievous complaints and vain menaces againſt his undutiful nobles.

James V. K. of Scotland. 1542.

In order to allay the intolerable chagrin that preyed on the unhappy monarch, it was ſoon after reſolved, in a council of his favourites, to make an inroad into England by the weſt-marches; the conduct whereof was undertaken by the lord Maxwell. Ten thouſand men were deſtined for this ſervice, who were called together in the moſt ſecret manner: and farther to conceal the project, cardinal Beaton and the earl of Arran raiſed men in the uſual public methods, and iſſued orders for their moving towards the eaſtern march. The king ſent the greateſt part of his domeſtics to join in the inroad; and awaited the iſſue of it in perſon himſelf at a caſtle not far from the weſtern border †. According to the Scottiſh writers, the ſucceſs of this enterpriſe, which was very promiſing, as the Engliſh were wholly unprepared on that ſide, was defeated by the king's immoderate affection for Oliver Sinclair. He had appointed this minion ‡ lieutenant-general of his army; and his commiſſion

Drummond. Buchanan.

* See above, p. 530. The king, alſo, after returning from a voyage he made round his kingdom, having found that ſeveral of the border-chieftains, during his abſence, had been guilty of enormities, committed them to priſon, and obliged them, before they were reſtored, to find ſecurity for their future good behaviour. Drummond.

† Carlaverock, about twelve miles from the border.

‡ The Engliſh writers, in the liſt of the Scottiſh priſoners taken on this occaſion, call Oliver the king's minion.

being

Henry VIII. K. of England. 1542. Nov. 24.

being produced at the critical moment of an appearance of a body of the enemy, and Sinclair himſelf being elevated on two pikes to ſhow him to the forces as their leader, a general murmur and breach of all order immediately enſued. The ferment was perceived by an inconſiderable number of Engliſh cavalry, drawn up in good order upon a neighbouring eminence, under the command of Dacres and Muſgrave, who, ſnatching the opportunity, made a briſk attack upon the already broken Scots, who fell, as was natural to expect, an eaſy and almoſt defenceleſs prey to the Engliſh. Upwards of a thouſand priſoners were taken, and among thoſe not a few of the nobility; ſome of whom choſe captivity in England, rather than, by eſcaping to their own country, to expoſe themſelves to the vengeance of their incenſed ſovereign *.

This miſerable defeat, aſcribed wholly by James to the perfidy and malignity of his nobles, joined to their late behaviour at Fala-moor, gave the poor prince ſuch exquiſite anguiſh and vexation of mind, as quite overſtrained his bodily frame, though naturally full of vigour, and then in the flower of life †. He died broken-hearted nineteen days after; leaving, as the heir of his kingdom, his daughter Mary, an infant of a week old ‡.

Dec. 13. Ep. RR. Sc. vol. ii. p. 157. prove this date.

Mary, Q. of Scotland.

This unexpected revolution in Scotland, produced an immediate change in the views and conduct of Henry with regard to that kingdom. He reſolved to embrace the favourable opportunity offered to him, of extinguiſhing the inveterate ſtrifes of the two nations, and of uniting them under one head; by contracting a marriage between the infant queen of Scotland, and his ſon and heir Edward, a boy at that time about five years old. For effectuating this

* The Scottiſh nobles made priſoners at this rout, were, the earls of Caſſils and Glencairn, the lords Somervell, Maxwell, Gray, Oliphant, and Fleming. Of noble families, were, Robert Erſkine, ſon and heir to lord Erſkine, Henry Maxwell brother to lord Maxwell, and John Leſly younger, ſon to the earl of Rothes. Gentlemen near the eaſt borders were, George Home lord of Ayton, ranſomed for 200 l. ſterling, and James Pringle (no title given him) for 400 merks ſterling. Beſides theſe, there were one hundred and fifty others, whoſe ranſom was ſettled by the commiſſioners employed to negociate the peace.

† The Engliſh writers ſay, that his diſtreſs was increaſed by hearing of the murder of an Engliſh herald (Somerſet) at Dunbar, by one Leech an Engliſhman, who had been engaged in the Lincolnſhire rebellion in 1536, and had taken refuge in Scotland.

‡ James, the year before he died, ſolicited and obtained from the Pope, the monaſtery of Melros, in addition to that of Kelſo, to be given in commendam to his natural ſon James, and that of Coldingham to his natural ſon John. Way was made for theſe commendams, by the reſignation of the former incumbents, Andrew (a) of Melros and Adam of Coldingham, who were provided in other benefices. In order to augment the revenues of theſe monaſteries, the king propoſed, that the Pope ſhould impower the adminiſtrators for his ſons, who were both boys, to let the tithes belonging to theſe monaſteries for nineteen years, and their lands either in leaſes of that extent, or in perpetual feus. Writing to one of the cardinals, James deſcribes them as ſmall monaſteries, *(Monaſteriola)* ſituated on the borders of the kingdom, adjacent to ſome of the ſtrongeſt places of the Engliſh, from which incurſions uſed to be made into the Scottiſh borders, and where heretical ſermons being frequently preached, the contagion of theſe, by the fameneſs of the language, was eaſily ſpread. For checking both which evils, the king demanded theſe monaſteries to be entruſted to his natural ſons. The governor Arran aſked the revenues of them to be employed for the ſervice of the public, and particularly for the defence of the kingdom againſt the Engliſh, and that for that end he might have the adminiſtration of them, until the majority of the royal boys; all needful expences being firſt allowed out of them, for the ſupport of the boys, and other neceſſary burdens. Ep. RR. Sc. vol. ii. p. 115. 118. 158. 174.

(a) Andrew was made biſhop of Whithern, and had 1800 merks annual penſion out of Melros revenues. Adam was made abbot of Dundrennan.

project,

project, he endeavoured, by kind and generous treatment, to gain to his interest the Scottish nobles who had been made prisoners at the late rout near Solway, and had been conducted thence to London. After having engaged *, in the most solemn manner, to employ their interest and endeavours to re-establish peace and promote the intended marriage, they were allowed to set out from London, in their return towards Scotland, on the first day of the year; at Newcastle, they delivered to the duke of Suffolk, lieutenant of the north, hostages for securing their return, in case of their failing to accomplish what they had undertaken; and so proceeded towards Edinburgh, where they arrived about the middle of January. The earl of Angus and his brother accompanied them; availing themselves of the present opportunity afforded them, by the feeble and unsettled state of their country, of returning to it, after an exile of more than fourteen years †.

Mary, Q. of Scotland. 1542.

A. D. 1543.

An impotent effort of Cardinal Beaton archbishop of St. Andrews, to seize into his own hands the reins of government, having failed, the regency of the kingdom and keeping of the infant queen, agreeably to the laws and custom of the nation, and with the consent of the greatest part of the nobility, was assumed by James Hamilton earl of Arran, presumptive heir of the crown. To him the lords who returned from their captivity in England applied, in the name of the English monarch and their own, for his concurrence in the proposed treaty of peace and marriage. Arran, who favoured a reformation in religion, and stood in need of the help of Henry, and of the lords just mentioned, to support himself against the cardinal, the queen-dowager, the clergy, and others of the French faction, readily entered into measures for promoting Henry's views ‡. A safe-conduct, which Henry had offered to ambassadors to be sent from Scotland, to negociate the peace and marriage, was immediately applied for. A parliament was also assembled in March; which approved of Henry's overtures, and authorised and instructed ambassadors appointed to go into England to treat of them §. The same parliament recognised

Sadler's Letters, p. 161.

* Some of them (says Keith) entered very cordially into his measures, promising upon oath, and binding themselves to labour all they could, not only to bring about the proposed match, but likewise to bring the young queen immediately into England, and to get the government of the kingdom of Scotland devolved upon his majesty, and the strong holds thereof put into his hands. Keith, p. 26.

† Patrick earl of Bothwell also embraced the same opportunity of returning from his exile. He had been long at Venice. But from the absolution of that earl in November 17, 1544, from a charge of treason raised against him, it appears, he must have returned to Britain before the king's death; for he is accused of treating in England with Henry and his counsellors, and receiving money from them in January 1542, and in the December preceding. Ap. Ep. RR. Sc. p. 326.

‡ Arran, soon after his accession to the government, set free Sir Robert Bowes, and the other English prisoners, upon their bonds, according to the custom of the marches. Holing. Eng. Chron. p. 959. But this seems not to be consistent with the convention in the next page.

§ These were, Sir James Learmont of Balcomy, Sir William Hamilton of Sanquhar, and Mr. Henry Balnaves of Hall-hill, secretary of state.

An abstinence or truce was also about this time concluded with England. It is not published by Rymer, but often mentioned in Sadler's Letters. In the beginning of June, it was prorogued by proclamations of the governments of each nation till the 1st of July. By another proclamation, it was continued till the 1st of August. Sadler's Letters. p. 244. 257. 277. This abstinence or truce

Henry VIII. K. of England. 1543.

recogniſed Arran's title to the crown after the infant queen, confirmed him in his high office, and ſettled his council and the attendants of the queen. They alſo reverſed the forfeiture of the earl of Angus and his brother Sir George.

Henry, knowing how little he could rely on the authority, abilities, or reſolution of Arran, and well acquainted with the power of the clergy and French faction in Scotland, had formed a ſcheme of having the young queen and ſome of the chief forts of the kingdom, together with the principal adminiſtration of its government, put into his own hands. The Scottiſh lords of his party had engaged to ſecond him in the proſecution of theſe views: but Sadler his ambaſſador, who arrived in Scotland juſt after the riſing of the parliament, ſoon diſcovered how impoſſible it was to accompliſh his maſter's project. The cardinal, who had been committed to cuſtody, had ſoon the addreſs, by impoſing on the governor, and by bribing lord Seton who had him in cuſtody, to regain his liberty. The party of that artful and ambitious prelate, had the national prejudices againſt England on their ſide *, and cultivated this advantage with great ſucceſs. The clergy contributed their money, and ſounded the alarm of the danger of falling under the dominion of an heretic. The king of France, with whom Henry, who had joined the Emperor, was at open enmity, ſent over, at the cardinal's requeſt, the young earl of Lennox, the governor's deadly adverſary †, with promiſes of all manner of ſuccours againſt England, and an offer of renewing the ancient league between France and Scotland. But until the expected aids from France arrived ‡, the cardinal and his party gave fair words in regard to the tranſactions with England; and Henry, willing to prevent or delay an open breach, nominated commiſſioners to treat with the Scottiſh ambaſſadors, who ſoon concluded with them a treaty of peace, and another of marriage, on ſuch conditions as could be obtained §.

Sadler's Letters, March 18.

April.

June 7.

July 1.

truce was ill obſerved by the earl of Bothwell, who had the rule of Liddiſdale. Sadler ſays, "I "think him the moſt vain and inſolent man in the world, full of pride and folly, and here I aſſure "you, nothing at all eſteemed." Sadler, p. 224.

* Theſe prejudices grew ſo ſtrong, that Sadler was perſuaded, that if the lords in Henry's party ſhould declare themſelves openly for England, and unite their forces with the Engliſh; they would be deſerted by their own relations and ſervants.

† Lennox was at that time ſerving in Francis's army in Italy.

‡ A French fleet of ſixteen ſhips was on the Scottiſh coaſt off Aberdeen and Arbroath, in the end of June and beginning of July, ſuſpected of bringing men, money, and arms, for the uſe of their party. Sadler, p. 279. 282. They were, on their way homewards, attacked by ſix Engliſh ſhips on the coaſt of England; two of them were taken, and eleven of them retired for ſhelter into the Frith of Forth. Ib. 298.

§ To the Scottiſh ambaſſadors firſt ſent, were afterwards added, by the authority of a convention at Edinburgh in the end of April, where the chief noblemen of each party were preſent, the earl of Glencairn and Sir George Douglas. Their joint commiſſion to theſe ambaſſadors for negociating the peace and marriage, in name of the queen and governor, is dated May 4th. The Engliſh commiſſioners were, the lord Audley chancellor, the duke of Norfolk treaſurer, Stephen biſhop of Wincheſter, and Thomas of Weſtminſter, William lord St. John chamberlain, and Sir John Gage comptroller of the king's houſehold. Henry aſſumes in the treaty his favourite title, of *Supreme head on earth of the church of England and Ireland.* Sir George Douglas came from London with a draught of the treaty, which was laid before a convention of Scottiſh lords held at Edinburgh on June 6th, and agreed to by them with a few alterations. Sadler, p. 260. 265.

In

In the former of theſe treaties, the article by which each nation is reſtrained from giving any manner of aid to the invaders of the other, is expreſſed in the ſame ſtrong terms, as in the laſt treaty of 1534; but the proviſo, reſpecting the ancient league with France, is not added, as not agreeing with Henry's preſent ſituation in regard to that kingdom. The article, renouncing the advantage of eccleſiaſtical cenſures and diſpenſations, is alſo continued; and all the other articles perfectly agree with thoſe of the laſt treaty, with which it alſo correſponds in the duration of the peace concluded by it; this being to continue for the joint lives of the ſovereigns, and a year after the death of the firſt who deceaſed. By the treaty of marriage, prince Edward and the young queen were ſolemnly betrothed to each other. The queen's jointure was fixed *. It was agreed, that within a month after ſhe had completed the tenth year of her age, ſhe ſhould be conducted to Berwick-bounds, and there delivered to perſons commiſſioned by Henry, or his ſon, to receive her; the marriage contract having been firſt completed by the ſolemn engagement of proxies. To ſecure the fulfilment of theſe articles on the part of Scotland, two earls and four barons, or their heirs, were, within two months after the date of the treaty, to be delivered as hoſtages †. It was alſo agreed, that, though the two countries, in conſequence of this marriage, ſhould become ſubject to one ſovereign; yet Scotland ſhould ſtill remain a diſtinct kingdom, and retain its ancient name, laws, and liberties. On the ſame day with theſe treaties was ſubſcribed a convention, fixing the rates of the ranſom of the Scottiſh lords and gentlemen who had been made priſoners at Solway-Moſs ‡; with this condition, that if the Engliſh priſoners §, whoſe ranſoms were to be ſettled in Scotland, ſhould be taxed at a lower rate, proportionable abatements ſhould be made from the ranſoms of the Scottiſh priſoners; and that the treatment of the latter in England, ſhould correſpond to that of the former in Scotland.

Mary, Q. of Scotland. 1543. Rym. vol xiv. p. 786. 792.

Rym. ib. p. 796.

Before the expiration of the time limited for the ratification of thoſe treaties, they were confirmed at Edinburgh by the governor, in the manner that the treaties themſelves preſcribed. The cardinal and his party were not preſent in the parliament held for this purpoſe; Angus, and the lords of the Engliſh faction, being at that time too powerful for them to contend with. They alſo well knew that theſe treaties could have no effect, as none of the lords

Auguſt 25. Rym. vol. xv. p. 4.

* This was lands, &c. of the clear value of 2000 l. *per ann.* while her huſband continued prince, to be increaſed to 4000 l. after he became king. The title to this jointure commenced on the conſummation of the marriage.

† The manner of ratification of this treaty, which was to be accompliſhed within two months after its date, was to be, on the part of the king of England, by his ſubſcription and great ſeal, together with his oath in the uſual manner; and on the part of the kingdom of Scotland, the confirmation and oath were to be given in name of the whole kingdom, by authority of the three eſtates, together with the conſent of the governor, and letters, containing verbatim the tenor of theſe treaties, with the great ſeal of the queen affixed.

‡ The ranſoms to be paid by the earls of Caſſils and Glencairn, were a 1000 l. ſterling for each. The other ranſoms were lower.

§ Theſe were, Sir Robert Bowes, and others, who were taken at Hadden-Rigg. Above, p. 539. Sadler's Letters, p. 269.

Henry VIII. K. of England. 1543.

ſhewed any diſpoſition to go into England as hoſtages; and the governor was not able to compel them. The Engliſh king perceiving the growing ſtrength of the French faction, and the precarioufneſs of other methods of accompliſhing his deſigns with regard to Scotland, had endeavoured, by tempting offers *, to prevail with the governor to ſend the infant queen into England, and alſo to put the ſtrong holds in the ſouth of Scotland into his hands. The oppoſite party fruſtrated the project of delivering up the queen, by aſſembling their forces about the beginning of Auguſt, and removing her from Linlithgow to Stirling †, a fortreſs in the power of the queen-dowager, and kept by ſuch as were wholly attached to her and the cardinal. From this time, Henry ſeems to have deſpaired of the ſucceſs of his negociations in Scotland; for, in the courſe of this month, he ordered ſome Scottiſh merchant-ſhips to be ſeized, which, being laden chiefly with fiſh and bound to France, had, by contrary winds, been obliged to anchor near the coaſt, or to enter ſome of the ports of England. The pretence for this was, that the Scots were carrying proviſions to his enemies; but as a commerce of this nature was not clearly prohibited by the laſt treaty, or thoſe preceding it, the Scots inſiſted that the infraction was on the part of Henry. Hence the averſion to an union with England was increaſed, and the French faction rendered more popular and bold; which ſoon appeared by the inſults which the mob of Edinburgh and Leith offered to the Engliſh ambaſſador and his retinue. An open defection of the governor to the oppoſite party ſoon after followed; which was chiefly aſcribed to the influence of his natural brother, John Hamilton abbot of Paiſley, and David Panter ſecretary, men of abilities and addreſs, and wholly devoted to the intereſts of France and Rome ‡.

Sadler, p. 344.

Ib. p. 330.

Ib. p. 350. 428.

Sept. 3.

The earl of Angus and the other lords in Henry's intereſt, made a ſtand a while againſt the oppoſite faction, and received a great acceſſion of ſtrength when they were joined by the earl of Lennox. The power and popularity of this young nobleman were very great, and his ambition had been for ſome time encouraged by the cardinal, to indulge the moſt aſpiring proſpects. It was the opinion of many, that the governor was illegitimate; his father having married his mother, by virtue of a divorce obtained from Rome againſt a former wife, upon inadequate grounds: and on the ſuppoſition of Arran's baſtardy, Lennox, being the grandſon of Arran's father's ſiſter, the daughter of Mary, ſiſter to king James III. was preſumptive heir to the crown. The cardinal had flattered him with the hope of having his claim authenticated by the judgment of the three eſtates in his favour; in conſequence whereof, Arran's offices of governor of the kingdom and tutor to the queen, would

Sadler, p. 379.

* Henry offered his daughter, lady (afterwards queen) Elizabeth, in marriage to Arran's ſon, and to make him king of Scotland beyond the Frith. Sadler, p. 309.

† For effecting this, and hindering the other party to prevent it, the cardinal and earl of Huntley raiſed forces in the north, Argyle and Lennox in the weſt, and Bothwell, Home, and the laird of Buccleugh in the eaſt parts upon the marches. Sadler, p. 294. Leſly ſays, ſhe was conveyed to Stirling by a great army.

‡ The laird of Fyvie was, about this time, ſent into England to witneſs Henry's ratification of the peace; but this the king refuſed to give, on account of the Scottiſh hoſtages not being delivered within the time limited by the treaty. Sadler, p. 383.

have

have devolved upon Lennox; and expectation was also given him of obtaining the queen-dowager in marriage *. At the same time, the friends and agents of the politic cardinal availed themselves of the dread of such revolutions, to engage the pusillanimous governor to abandon the interests of England, and reconcile himself to the opposite party. As soon as this was effected, the cardinal, having acquired the leading of a man much more tractable than Lennox, and who was at the same time his own near relation †, began to treat the other with neglect, and to shew, by evident tokens, that he had no intention of accomplishing any part of what he had formerly promised. The cardinal had likewise great credit at the French court, and made use of it to destroy the influence of Lennox there, and to engage that court to call him back, that he might not disturb the measures of those who were capable of doing more service to France. By this usage, Lennox was provoked to join the lords of the English party, to which he was also allured by his desire of marrying the lady Mary Douglas, daughter to the earl of Angus, by the late queen-dowager of Scotland ‡, who resided in England at the court of her uncle Henry.

Mary, Q. of Scotland. 1543.

A Scottish parliament meeting in December, annulled the treaties of peace and marriage that had been concluded with England five months before; founding their sentence on the English having seized in a hostile manner the ships and goods of Scottish merchants, within the time limited by these treaties for the ratification of them §. The governor afterwards endeavoured to subdue Lennox and the lords attached to England; who had raised a numerous body of forces in their defence, employing for this purpose not only their own extensive influence, but a considerable sum of French money, which had fallen into Lennox's hands, through the ignorance of the Frenchmen who brought it of his rupture with the friends of France. But the address of the cardinal prevailed with Lennox to dismiss his superior army with which he had marched to Leith, and to agree to terms of pacification. The same prevailing arts effected a more lasting reconciliation between the governor and Angus; for the security whereof, Angus delivered his brother Sir George as an hostage. Lennox, suspecting treachery, soon abandoned the court, and retired to his castle of Dunbarton. The earl of Glencairn was now his principal friend; but the governor defeated a great body of the followers of these lords near Glasgow, and wrested that city and its castle out of their hands. Lennox employed the earl of Angus and lord Maxwell to mediate a peace with the governor at Glasgow; but the governor, for his farther security, made these

Dec. 11. Keith's Hist. App. p. 10. Ep. RR. Sc. App. No. 8.

A. D. 1544. Buchanan. Holingshed. Lesly.

* Patrick earl of Bothwell was also said to have been a candidate for the queen-dowager's bed. Sadler, p. 333.

† *Erat ex amita cardinalis natus.* Buchan. This aunt was Janet Bethune, widow of Robert Livingstone, who was third wife to the governor's father.

‡ Lennox had proposed this to the earl of Angus before July 11, 1543. But Angus left the disposal of his daughter wholly to the king of England. Sadler, p. 281.

§ The same parliament, at the request of ambassadors from the king of France, agreed, that the ancient alliance between the kings of France and Scotland, should be ratified and renewed. Ep. RR. Sc. p. 313.

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1544.

mediators priſoners, and detained them in cuſtody, until the invaſion of Scotland by the Engliſh in the following year.

Henry, hearkening more to his pride and reſentment than to the dictates of calm and ſound policy, reſolved to revenge himſelf of the perfidy and ingratitude of the nobles and people of Scotland, by a formidable invaſion *. In order to collect the forces deſtined for this expedition, and to command in it, Edward Seymour earl of Hertford, uncle to Edward prince of Wales, was conſtituted lieutenant-general of the north, and came in the month of March to Newcaſtle. Towards the end of the following month, he embarked an army of ten thouſand men on board a fleet of two hundred ſhips, commanded by Dudley lord Liſle, admiral of England. With this armament he ſailed into the Forth, and on the 4th of May diſembarked near Leith. Soon after, he was joined by a body of four thouſand light horſe, under lord Eure †, warden of the eaſt marches, and captain of Berwick. The Scottiſh regency, having ſcarce made a ſhow of reſiſtance, retired from Edinburgh; and that city, together with Leith and the country for ſeveral miles round, was pillaged and burnt by the Engliſh. After employing about ten days in this work, their fleet ſailed from Leith laden with booty; and the army on the ſame day marched towards Berwick, plundering and deſtroying the country as they paſſed through it. On the ſecond night of their march, they encamped nigh Dunbar, and burnt that town on the morning of the following day. In the former part of that day, they were ſomewhat diſtreſſed by a miſt, and by receiving intelligence of a body of enemies in the neighbourhood, led by the lords Seaton and Home, and the laird of Buccleugh; from whom they apprehended an attack, as they moved through a narrow and dangerous paſs called the *Peaſe*. But the fog diſperſing, and the Scots not chuſing to hazard an engagement with forces ſo much ſuperior; the Engliſh army marched quietly to Renton in the Mers, where they deſtroyed a pile, and burnt the village itſelf, and ſome places near it ‡. From thence, ſetting out on the day following, they arrived at Berwick, not having loſt above forty men in the whole expedition. In the following month, Hertford was called to the king's

Holingſhed's Eng. Chron.

May 15.

May 18.

Haynes, p. 42.

* He was adviſed and ſolicited to make this invaſion by the earls of Angus, Lennox, Glencairn, and Caſſils. Haynes, p. 18, 19, 20. The earl of Angus and his brother had promiſed to join the Engliſh with all their kinſmen and dependents; as the proceſs of treaſon againſt them bears. Ep. RR. Sc. App. p. 322. 325.

† William lord Eure. Herbert ſeems to ſay, he met with oppoſition on his march; but no particulars of it are recorded. (Herb. p. 243.) His ſon Sir Ralph was at that time lord warden of the middle marches. Haynes, p. 22.

‡ Theſe were, Butterden, Quickſwood, Blackburn, Billy, and the Tower. The laſt named of theſe places belonged to the earl of Angus. The earl of Hertford had it in particular charge, to burn and ſpoil in his journey, without reſpect to whom the places ſhould appertain; and if his honour and promiſe was not engaged to the contrary, to bring with him into England, the earl of Angus and his brother, if they ſhould put themſelves in his power. Haynes, p. 35. Hertford complains in a letter of May 27, of Sir George Douglas hindering ſeveral of the beſt gentlemen in Mers and Tiviotdale, from accepting aſſurance from the king of England, by the hopes of getting eaſier terms for them as his friends; adding, that thoſe who had been formerly aſſured as his friends, had behaved very falſely. Haynes, p. 38.

preſence,

preſence, and the earl of Shrewſbury appointed to ſucceed him in the lieutenancy of the borders. Mary, Q. of Scotland. 1544.

While Henry was thus, on one ſide of the iſland, venting his wrath in a manner no leſs deſtructive to his own views than diſtreſſing to his adverſaries; he was engaged, on the other ſide of it, in a negociation that promiſed more real and laſting advantages. This was carried on with the earls of Lennox and Glencairn, the former of whom continued his ſuit for lady Margaret Douglas, and both ſought the protection of Henry againſt the cardinal and governor. A treaty was at laſt concluded at Carliſle, between commiſſioners from the Engliſh king, and others from the above-named lords *, by which theſe lords renounced all covenants, either public or private, inconſiſtent with the preſent, particularly any prior engagements with France; and alſo engaged, to exert all their power to prevent the conveying of the young queen out of the iſland, and to endeavour to ſeize her perſon, and deliver her to the king of England. They likewiſe undertook to aſſiſt Henry to ſubdue and defend the counties of Mers and Tiviotdale, particular mention being made of ſome of the principal towns and ſtrong places in theſe counties. They were farther engaged, to give Henry all the aſſiſtance in their power, in order to his being recogniſed director and protector of the realm of Scotland. In reward of theſe ſervices, they were to be powerfully ſupported againſt their enemies; Lennox was to be made governor of the kingdom with a ſuitable revenue, but with an entire dependence on Henry for every thing of moment; he was alſo encouraged to hope for the marriage of Henry's niece; and both he and Glencairn were to have penſions †. Lennox, impatient to conclude his marriage, ſailed from his caſtle of Dunbarton not long after; and entered into a new convention, confirming the former, and ſettling the conditions of his marriage with lady Margaret. For the ſake of ſo precious an acquiſition, he conſented to put into the king of England's hands, the caſtle of Dunbarton and the iſle of Bute; and not long after the marriage was celebrated, he ſailed from Briſtol into the Clyde with ſome Engliſh troops ‡, which, joined by a few of his own highlanders, made depredations on the lands of the earls of Arran and Argyle, and his other enemies; but Stirling, who held under him the caſtle of Dunbarton, preferring the good of his country to the intereſt of Lennox, refuſed to deliver up that fortreſs to the Engliſh; and hereby Henry

Rym. vol. xv. p. 22. May 17.

Ep. RR. Sc. App. p. 234. About the end of May.

Auguſt. Holingſhed. Herbert. Keith, p. 47. Ep. RR. Sc. vol. ii. p. 218.

* The Engliſh commiſſioners were, Sir Thomas Wharton lord Wharton, lord-warden of the weſt-marches of England, over againſt Scotland, and Sir Robert Bowes, ordinary maſter of requeſts to the king. Thoſe from Lennox and Glencairn were, Hugh Cunningham and Thomas Biſhop. Glencairn was alſo preſent himſelf, and Robert Stewart biſhop elect of Caithneſs, brother to the earl of Lennox, who both ſign the commiſſion along with the commiſſioners. The biſhop was to remain in England as hoſtage for his brother's fidelity in keeping the treaty: and Hugh Cunningham nephew to Glencairn, who was in England as hoſtage and pledge for his uncle's entry and ranſom, (Glencairn having been one of the priſoners taken at Solway Moſs,) with others, who were there on the ſame footing, were to continue as hoſtages and pledges for Glencairn's performing his part of the contract.

† Glencairn was to receive 1000 crowns immediately. In the July following, he had a penſion of 250l. ſterling, and his ſon lord Kilmaurs 125 l, ſettled upon them during life.

‡ With eighteen ſhips, and about ſix hundred men. Ep. RR. Sc. vol. ii. p. 218.

Henry VIII. K. of England. 1544.

was diſappointed of an acquiſition, which he had the greateſt probability of obtaining, and which would have rendered him very formidable to his enemies in Scotland *.

Although, after the invaſion of Scotland in May, Henry employed the beſt and greateſt part of his forces in an expedition which he made, in concert with the Emperor, into France; yet the Scots were ſo enfeebled, by their late loſſes and domeſtic diſſenſions, that the ſucceſſes in the border-incurſions, by which the war was carried on through the ſummer, were almoſt wholly on the ſide of the Engliſh. In an inroad made by Sir Ralph Eure in June, Jedburgh was taken and burnt. Kelſo was then, or ſoon after, treated in the ſame manner †, and the neighbouring country every where miſerably plundered and deſtroyed ‡. In theſe circumſtances, the governor ſent an ambaſſador (*a*) to

Keith, 47. Holingſhed. Buchanan. Herbert, p. 249.

(*a*) Sir George Meldrum of Fyvie in Aberdeenſhire.

* Leſly, p. 477. ſays, that Henry was greatly provoked at the failure of the enterpriſe on Dunbarton caſtle.

† It was propoſed, that if the town and abbey ſhould be found to be tenable, they ſhould be garriſoned and kept for the king of England's uſe. It was alſo propoſed to take and keep Home caſtle, the taking of which Henry thought would be of great importance to the furtherance of his affairs, and might with little coſt be made tenable. Haynes, p. 39. But neither of theſe projects were effected at this time by the Engliſh.

‡ There is a particular account of the deſtruction made and ſpoils carried off in theſe inroads, publiſhed by Haynes, in his collection of State-Papers, p. 43,—51. The whole number of towns, towers, ſtedes, barnekyns, pariſh-churches, baſtell-houſes, ſeized, deſtroyed, and burnt, in all the border country, was an hundred and ninety-two, Scots ſlain four hundred, priſoners taken eight hundred and ſixteen, nolt ten thouſand three hundred and eighty-ſix, ſheep twelve thouſand four hundred and ninety-two, nags and geldings one thouſand two hundred and ninety-ſix, gayts two hundred, bolls of corn eight hundred and fifty, inſight gear, (furniture I ſuppoſe,) &c. an indefinite quantity.

The greater part of theſe devaſtations were committed in the Mers and Tiviotdale. The circumſtances of moſt of them are too inconſiderable to be remembered. The incurſions of Berwick garriſon were chiefly along the coaſt, where they marauded as far as Dunglaſs. The garriſon of Wark having a commodious central ſituation, and being, together with the neighbouring fortreſs at Cornhill, commanded by John Carr a brave and active man, made many ſucceſsful forrays both over the Tweed as far as the hills of Lammermuir, and over the *dry march* into Tiviotdale. The other commanders of chief note, beſides Sir Ralph Eure, were Sir Brian Laiton and Sir George Bowes. On 17th of July, Bowes, Laiton, and others, burnt Dunſe, the chief town of the Mers, and John Carr's ſon, with his garriſon, entered Greenlaw, and carried off a booty of cattle, ſheep, and horſes. On 19th of the ſame month, the men of Tyndale and Ridſdale, returning from a road into Tiviotdale, fought with the laird of Farniherſt and his company, and took himſelf and his ſon John priſoners. On July 24th, the Wark garriſon, the captain of Norham-caſtle, and Henry Eure, burnt Long Ednim, made many priſoners, took a baſtel-houſe ſtrongly kept, and got a booty of forty nolt, and thirty horſes, beſides thoſe on which their priſoners were mounted, each on a horſe. Auguſt 2d, the captain of Norham burnt the town of Home, hard to the caſtle gates, with the ſurrounding ſtedes. September 6. Sir Ralph Eure burnt Eikford church and town, the barnekyn of Ormiſton, and won by aſſault the Moſs-Tower, burnt it, and ſlew thirty-four people within it; he likewiſe burnt ſeveral other places in that neighbourhood, and carried off more than five hundred nolt, and ſix hundred ſheep, with a hundred horſe-load of ſpoils got in the Tower. September 27th, the men of the caſt and part of the middle-march, won the church of Eccles by aſſault, and ſlew eighty men in the abbey and town, moſt part gentlemen of head ſirnames; they alſo took thirty priſoners, and burnt and ſpoiled the ſaid abbey and town. On the ſame day, the garriſon of Berwick brought out of the eaſt end of the Mers, ſix hundred bolls of corn, and took priſoner Patrick Home, brother's ſon to the laird of Ayton. November 5, the men of the middle-march burnt Leſſudden, in which were ſixteen ſtrong baſtel-houſes, ſlew ſeveral of the owners,

to Henry in France, to ſolicit a truce. Henry is ſaid to have granted this; but it was probably for a ſhort period, and ill obſerved. For ſoon after his return to England, he gave the command of a body of forces to the earl of Lennox, in conjunction with the lord Dacres and Sir Thomas Wharton, who entering Scotland, laid waſte a great tract of country *, and carried off much booty, without meeting with any reſiſtance. Another ſucceſsful expedition, of the ſame nature, was made in the courſe of the winter. Mary, Q. of Scotland. 1544.

In one of the laſt of the inroads made by the Engliſh, they ſeized the abbey of Coldingham †, fortified the church and ſteeple, and left a garriſon in them. The garriſon, by its excurſions, ſo much infeſted the adjacent country, that it was reſolved by the governor and his council to expel the Engliſh from the place. Having with this view collected an army of eight thouſand men, he conducted them to Coldingham in the midſt of the rigours of winter. The Engliſh not obeying the ſummons to ſurrender, the beſiegers immediately began to batter the ſteeple, and continued to do ſo for a whole day, and through the following night; the army remaining all the time under arms. The governor, diſconcerted by a reſiſtance which probably he had not expected, and alarmed with the intelligence of the Engliſh approaching from Berwick, and diffident, it would ſeem, of the fidelity of his own followers, ſecretly ſet out from the army on the following day, accompanied with a few of his moſt familiar friends, and rode with all the ſpeed he could to Dunbar. This deſertion of the leader was naturally followed by a diſſipation of his army; who would have either left behind or deſtroyed their artillery, had not Angus prevented this diſgrace, by inſiſting that it ſhould be carried off. He himſelf undertook the charge of preſerving it; and while the reſt of the army took the ſhorteſt way to their homes, he with a band of his own dependents, and a few others, marched in the rear of the ſmall train of ordnance, boldly repelling the attacks of ſome Engliſh horſemen, and conveyed it ſafely to the caſtle of Dunbar. Buchanan. Godſ. vol. ii. P. 117.

Angus, beſides the diſplay made on this occaſion of his proweſs, affected to ſhew his ſincerity in abandoning England, and in attaching himſelf to the governor and his friends. He and his brother Sir George, had juſt before this expedition, been abſolved by authority of parliament, from proceſſes of treaſon raiſed againſt them, for waging war againſt their country in conjunction with the Engliſh, and for the traitorous correſpondence they long and openly afterwards maintained with thoſe enemies of their country. They were particularly charged with having invited and encouraged the Engliſh, Ep. RR. Sc. App. 321. from Regiſt. Parl. fol. 131. Nov. 17.

owners, and burnt much corn. November 9th, Sir George Bowes and Sir Brian Laiton burnt Dryburgh, a market town, all except the church, with much corn, and brought away an hundred nolt, ſixty nags, an hundred ſheep, and much other booty, ſpoilage, and inſight gear.

The above dates and devaſtations are taken from the letters of the commanders on the borders, giving an account of their exploits.

* They took and deſtroyed Dumfries in this expedition. Wharton was ſoon after rewarded for his ſervices, by being ſummoned to parliament, in quality of a baron, and was the firſt lord Wharton. He died A. D. 1568.

† Sir Ralph Eure wrote to the Engliſh court November 17, that it was taken and kept for the king's uſe.

Henry VIII. K. of England. 1544. Dec. 12.

to the invaſion made by the earl of Hertford in the preceding May *. At the ſame time, Patrick earl of Bothwell, was abſolved from a proceſs of treaſon againſt him, for intercourſe with the Engliſh, during the late invaſion and before. Remiſſion was likewiſe given to the earls of Glencairn and Caſſils, and Hugh Campbell of Lowdon, ſheriff of Air, for their treaſons. Thus the waſting war which Henry carried on in Scotland, produced a general union of Scotchmen againſt him; and the governor was the more ready to ſhew favour to all theſe offenders, for the ſake of ſtrengthening himſelf againſt the queen-mother, who was about that time ſeeking to poſſeſs herſelf of the regency.

Buchanan. Hume of Godſcroft. Leſly, p. 478.

The continued ſucceſſes of the Engliſh in their border inroads, encouraged them to new and more extenſive enterpriſes: Sir Ralph Eure, and Sir Brian Laiton, had greatly diſtinguiſhed themſelves in this marauding war. They repaired to court, to repreſent their ſervices; by which they pretended, that the counties of Mers and Tiviotdale were already ſubjected to the Engliſh yoke; and they undertook, upon receiving proper aid and encouragement, to extend their conqueſts to the Forth. Henry beſtowed due praiſes on their proweſs; and is ſaid to have aſſigned to them, and their fellow-adventurers, for their reward, the property of their paſt and future conqueſts †. To defend and carry on their acquiſitions, he alſo gave them the command of three thouſand mercenaries; to whom, having joined two thouſand men of the borders, they came with this little army to Jedburgh, about the middle of February. The Scots were too ſenſible of the miſchiefs already done by theſe men, and were not ignorant of their vaunts. The earl of Angus was rouſed by them to exert himſelf in defence of his country; and, at the ſame time, of his private intereſt; for he had great poſſeſſions both in Mers and Tiviotdale, which the Engliſh had ſeized or ravaged: and they had, in ſome of their late inroads, deſtroyed the tombs of ſeveral of the illuſtrious men of his name and family, who had been buried in the abbey-church of Melroſe. Having, therefore, by cordial offers of his ſervice, engaged the governor to accompany him ‡, they ſet out together from Edinburgh, towards the borders, with three hundred horſe, and had received but a ſmall addition to that number from the counties of Lothian and the Mers, when they arrived at Melroſe. The Engliſh army, then at Jedburgh, about eight computed miles diſtant, informed of the ſmall number accompanying the governor, attempted to ſurpriſe him, by a ſpeedy march to Melroſe in the night-time. But their approach being diſcovered, the Scots retired to ſome of the neighbouring heights; where they were in ſafety themſelves, and could obſerve the motions of their enemies. The Engliſh, finding that the Scots were out of their reach, after collecting what booty they could in Melroſe, retired in the morning towards Jedburgh. The Scottiſh

A. D. 1545.

* Particular mention is made of the Douglaſſes being with the Engliſh at Hadden Rigg, erroneouſly called Halidon-Rigg, and afterwards with the duke of Norfolk.

† Henry is ſaid to have made this grant by the advice of the duke of Norfolk, who well knew the precarioufneſs of ſuch acquiſitions. Herb. 239.

‡ The court of England had great reſentment againſt the Douglaſſes, who had been ſo long protected by Henry, and had come under ſuch ſtrong engagements to ſupport his intereſt in Scotland: notwithſtanding which, they had gone over to the party of the cardinal and governor.

army

army, being joined by three hundred horſe from Fife, under the command of Norman Leſly, eldeſt ſon of the earl of Rothes, a youth of great ſpirit; and afterwards by Walter Scot of Buccleugh, with a ſmall number of his dependents, hung over the march of the Engliſh; and, at laſt, reſolved to give them battle in the neighbourhood of the village of Ancrum *. Having diſmounted from their horſes, and ſent them to ſome eminences in their rear, they drew up on a piece of low ground, where they were in a great meaſure hidden from the Engliſh, who, from the motion of their horſes imagining they had already begun to fly, marched precipitately towards them. Out of breath, and in confuſion by their too rapid approach, exhauſted with the toil of marching and watching through the preceding night, having alſo the ſetting ſun and wind full in their faces, they came all at once upon the Scots, who, being drawn up in the firmeſt order, received them with an attack no leſs fierce and reſolute, than unexpected. The Engliſh ſoon falling into utter confuſion, their leaders Eure † and Laiton, were killed, and eight hundred of their army, many of whom were perſons of note. There were alſo a thouſand made priſoners ‡, and of theſe eighty of good rank. The Scots are ſaid to have loſt only two of their number; and to have treated their enemies on this occaſion with great barbarity §.

Mary, Q. of Scotland. 1545.

An account of this great advantage gained by the Scots, was ſoon tranſmitted to the French king, and accompanied with earneſt ſolicitations for aid againſt the common enemy. Francis was now in a better condition to grant a requeſt of this nature than in the preceding ſummer; the Emperor having, at the end of laſt year's campaign, made a ſeparate peace with him. Nor did Henry in the preſent year attempt any new conqueſts in France, but contented himſelf with maintaining his acquiſitions, and defending his coaſts, againſt the deſcents of the French. The ſuccours which Francis ſent to his

Ep. RR. Sc. vol. ii.

* The Scots commonly call this, the battle of Ancrum-Moor. Holingſhed in Sc. Chron. calls the place of it Panier-haugh, or Broom-houſe. Stowe calls it Panier-haugh. Leſly ſays, that Sir Ralph Eure had burned the tower of Broom-houſe, with its lady, a noble and aged woman, her children, and whole family; a deed of cruelty ill-ſuiting Eure's courage; and that after the rout of the Engliſh, the cry of the borderers, who, with their red croſſes, had waited the event, was to revenge Eure's cruelty at Broom-houſe. Leſl. 478.

Holingſhed ſays, the number of the Scottiſh forces was one thouſand five hundred, of whom eight hundred were gentlemen. He ſays alſo, and Leſly confirms it, that the confuſion of the Engliſh was increaſed by the deſertion of ſeven hundred Scottiſh borderers, who ſerved in the Engliſh army. In letters from Sir Ralph Eure of the 14th of September preceding, the Croſyers, Olivers, Halls, and Turnbulls, are ſaid to have entered bond with England. Haynes, p. 46.

† Eure was in high reputation, and his death much regretted by his king and countrymen. There are two letters from him written with a very ſoldierly ſpirit in Haynes. The firſt dated from the caſtle of Alnwick, and the other from that of Warkworth. He calls each of theſe the king's caſtle.

‡ Among the priſoners was Read, an alderman of London, who refuſing obſtinately to advance his ſhare of a ſum, which Henry in the preceding month demanded in the way of benevolence from the citizens, was, in puniſhment, ſent to ſerve in the war againſt the Scots; and had more money to pay for his ranſom than the benevolence would have coſt him. Herb. p. 249.

§ The Scotch hiſtorians muſt certainly diminiſh their loſs. *Parta autem victoria*, ſays Leſly, *ita in fugientes ſævitum eſt, ut nihil illuſtre poſtea geſſerimus, quin potius luculenta ad Muſſelburghum plaga accepta maximas ſummæ immanitatis pœnas dederimus.* Leſly, p. 478.

Henry VIII. K. of England.

1545.

allies of Scotland, consisted of three thousand foot and five hundred horse, under the command of Montgomery lord of Lorges *, which having arrived in May, and being joined with about fifteen thousand Scots, marched towards the borders in the end of July. The army encamped on the side of Tweed, opposite to Wark-castle, and sent parties over the river, which ravaged the neighbouring villages and fields in England, and had also some inconsiderable skirmishes with their enemies. Montgomery, seconded by lord Home, made pressing instances, that the whole army should advance into England; but to this, the governor and his council would not agree, founding their refusal on their want of artillery and other things necessary for reducing the castles in their way. The Scottish army having dispersed in a few days without effecting any thing of consequence †, the earl of Hertford, who was again intrusted this summer with the command in the north of England, entered Scotland in the beginning of September with an army of twelve thousand men, of whom a considerable number were foreign mercenaries ‡. He marched up from Coldingham through the counties of Mers and Tiviotdale, and ravaged and burnt the whole country in his way §. The abbies of Kelso, Dryburgh, Melrose, and Jedburgh, places no longer sacred with the English, shared in

Keith, p. 47. Buchanan.

Rym. vol. xv. p. 72.

Holingshed's Sc. Chr. p. 338. Eng. Chr. p 969.

* Montgomery also brought over the French king's order of St. Michael to the governor, and to the earls of Angus, Huntley, and Argyle. He landed at Dunbarton, and came to Edinburgh with good order 15th of May, says Lesly; but, from the act of council, dated June 7th, at Glasgow, summoning, on occasion of the late arrival of the French, a convention of estates, it seems as if Lesly had mistaken the ides of May, for those of June. Ep. RR. Sc. App. p. 328. There is a general summons ordered for all Scotsmen between sixty and sixteen, sufficiently armed, and with a month's provisions, to rendezvous for this expedition on Roslin-muir, July 28. Ib. 329.

† Lesly says, that the French and Scots besieged Wark castle, and took the outworks of it; but being alarmed by a sudden inundation of the Tweed, raised the siege. Lesly, p. 479. He adds, that the French were stationed at Kelso, during the remainder of the year, for the defence of the marches; the Scottish nobles, according to custom, succeeding one another, and joining them in this service in their turns. Lesly, p. 479.

‡ Hertford, about the time of this expedition, had forbidden to return into Scotland, those Englishmen, who, having been made prisoners by Scotchmen, had been suffered, as usual, to go home upon their faith given to return when called; upon which, the Scottish council, complaining of this as a breach of honour and truth in the parties concerned, and an infringement of the ancient usage of the borders, did, upon the principle of the equity of retaliation, forbid all Scotsmen, who, having been prisoners, were now at home on their parole, to return at the call of their takers. Keith's App. p. 51.

Linlithgow, Nov. 1.

§ The places of all kinds, burnt, rased, and cast down, in the Mers and a small part of Tiviotdale, in Hertford's progress from Coldingham to Kelso, by way of Dunse and Eccles, were in number an hundred and twenty-nine; among these, Dunse itself, and the abbey and town of Eccles, underwent a second devastation; the tower and barnekin of Nisbet, the towers of Dunse, Redbraes, Pollard, and Mersington, with the castles of Wedderburn and Blackadder were rased. On the river Tweed, from Kelso upwards, thirty-three places were destroyed, among which were, the abbey of Kelso, the abbey and town of Dryburgh, the abbey of Melrose, and the towers of Dawcove and Stotherick; on the river Tiviot thirty-six, among which the Friars near Kelso, the towers of Roxburgh and Ormeston, and the two towers of Boon Jedburgh; twelve places on Rowle Water; thirteen on Jed, among which the abbey, friars, and town of Jedburgh; forty-five places on the Kayle, and between it and the Tweed; nineteen on Bowbent (alias Bowmont). The sum total of the places destroyed or laid waste in the whole inroad, was two hundred and eighty-seven; of which monasteries and friar-houses seven; castles, towers, and piles sixteen; market towns five, villages two hundred and forty-three, mills thirteen, spitals and hospitals three.

this general calamity. Nor did the Scots attempt any where to make oppoſition, except in the abbey of Kelſo, which was defended for a while by three hundred men; but theſe were either ſlain or made priſoners by the aſſailants, part of whom were foreigners in the Engliſh pay. Mary, Q. of Scotland. 1545.

The remainder of this war was carried on by mutual incurſions on the borders with various ſucceſs. In one of them, which was made ſomewhere on the eaſt borders, by three or four hundred Scots and ſome Frenchmen, the Engliſh attacking them in a ſtrait paſs, and galling them ſore with their archers, put them to the rout with the loſs of an hundred and forty of their number, either ſlain or taken priſoners; among the latter, was a ſon of the lord Home *. Robert, the eldeſt ſon of lord Maxwell, had the ſame fate in an incurſion on the weſtern marches; but this loſs was balanced by the diſcomfiture, in the neighbourhood of theſe marches, of five hundred Engliſh, of whom the greateſt part were either killed or taken †. The Scottiſh parliament, which met at Linlithgow in October, appointed a thouſand horſemen to be raiſed with all expedition, for the defence of the borders through the winter; and for their maintenance, impoſed a tax on the three eſtates, according to the uſual proportion ‡. Sept. 16. Holingſ. ib. Buchan. Keith, p. 48. Ep. RR. Sc. App. p. 341. Oct. 2.

Henry, during the winter and ſpring, was carrying on a negociation with France, which at laſt iſſued in a treaty of peace, by which Boulogne was left for a time in Henry's hands, as a pledge for a great ſum, which Francis obliged himſelf to pay to him. In this treaty, the Scots were comprehended, without prejudice of other treaties, whereby either prince pretended to be engaged §; but ſo that the king of England ſhould not wage war againſt them, without ſome new occaſion given; with regard to which, the preſent comprehenſion ſhould be interpreted in the ſame manner as in the treaty of April 5, 1516 ‖; with this only alteration, that thirty days from the date of the preſent treaty ſhould be allowed to the French king, to notify this comprehenſion to the Scots, inſtead of fifteen, which were allowed by the former. Henry had been very averſe to grant this comprehenſion, which was accepted by the governor and parliament of Scotland, about two months after the treaty was concluded. Peace was in conſequence proclaimed on both ſides of the A. D. 1546. June 7. Rym. vol. xv. p. 97. Above p. 498. Rym. vol. xv. p. 82.

* There was alſo a French captain, and George Elphinſtone archer of the corps to the French king. Holingſ.

† Leſly mentions Maxwell, Lochinvar, and Johnſton, as making ſucceſsful inroads.

‡ The expence of them *per* month was 6000 l. at the rate of 4 *d. per* day. The proportion between Scotch and Engliſh money at that time, perhaps, is not eaſy to aſcertain. Patten, in his Journal, ſays, that 4 l. Scots, were then equal to one pound ſterling.

§ It appears from a letter of Henry to Sir William Pagett, one of his ſecretaries of ſtate, and one of thoſe employed in negociating this peace, that he alleged, that by his treaties with the Emperor, he might not in anywiſe comprehend the Scots in this or any other treaty of peace, or truce. Rym. vol. xv. p. 82.

‖ There is ſurely a miſtake in the date of the treaty referred to, as that date ſtands in the copy of the preſent treaty in Rymer. The date ought to be April 4, 1515. There ſeems alſo to be a defect in the preſent article of comprehenſion, in not limiting the day, as was done in the correſponding articles of the treaties 1514 and 1515; after which day, the exceſſes there deſcribed, were to be regarded as breaches of the peace.

Henry VIII. K. of England.

borders *; but the Scots ſoon complained to the French king and his ambaſſadors at the court of England, that the Engliſh wardens had only proclaimed a ceſſation from war during their maſter's pleaſure, and ſtill continued their incurſions, and refuſed to appoint days of meeting for redreſs. They inſiſted likewiſe on the reſtitution of the houſe of Eddrington †, called the Cawmills on the eaſt, and of Langhope on the weſt border; on the liberation of priſoners, and giving up their pledges; alſo that, agreeably to the tenour of former treaties, Scottiſh rebels and traitors ſhould not be entertained in England, and that no aid or ſupport ſhould be ſent from England to the murderers of Cardinal Beaton.

1546. Aug. 14. Keith, p. 49. Ep. RR. Sc. ii. P. 355.

Keith, p. 43. Leſly. Buchanan.

That haughty prelate had incurred the violent reſentment of Norman Leſly, by diſappointing him of ſome claims, or promiſed rewards, for important ſervices. He had rendered himſelf extremely odious, eſpecially in the country where he reſided, by perſecuting the favourers of the Reformation, and eſpecially by the burning of Mr. George Wiſhart, a zealous preacher of the reformed doctrines, and a man univerſally eſteemed. The pretences of religious zeal animating to ſuch ſeverities, were belied by the pride, ambition, and undiſguiſed lewdneſs of Beaton's life, which deſtroyed all reverence of his clerical character. Hence it was not difficult for Leſly to find accomplices in a plot framed by him for the cardinal's deſtruction, which was conducted with perfect ſecrecy, and executed with a reſolute fierceneſs, in Beaton's own caſtle of St. Andrew's ‡. Several gentlemen, and others, from the neighbouring country, approving the deed, joined themſelves to the perpetrators, and formed a ſufficient garriſon for the defence of the caſtle §, which the unhappy cardinal had, juſt before his death, been fortifying and providing with neceſſaries, for ſecurity againſt deſcents of the Engliſh. The murderers and their accomplices were ſoon after condemned in parliament as guilty of high treaſon, and their eſtates forfeited: and the governor, accompanied by the fighting men of the neighbouring counties on each ſide of the Forth, laid ſiege to the caſtle, and continued it in vain for almoſt three months. The beſieged had entered into a correſpondence with the king of England, whom they had rid of one of his moſt inveterate and troubleſome foes. They profeſſed great zeal for the marriage of their queen with prince Edward, and were all

March 1.

Saturday. May 29.

* In the May before the peace was proclaimed, the governor and council of Scotland being informed, that divers in Mers and Tiviotdale ſat under *aſſurance of England*, ordered the juſtice clerk to proſecute ſuch perſons, according to the act relative to their offence. Keith's App. p. 51. Keith obſerves in the note, that there are ſeveral acts to be met with in the records againſt *aſſured* perſons.

† They ſay of Eddrington, that it is a waſte incomplete houſe, marching with the bounds of Berwick, and as the uſe has been, that as often as it is taken in war, it was delivered again at the making of the peace. Ap. Ep. RR. Sc. ii. p. 357.

‡ The Scottiſh council ſay to the king of France, that the ſlaughter of the cardinal had been committed treaſonably by the perſons in whom he *confided maiſt traiſtlie, his ſeals, ſervands, and houſehold-men*. Ap. Ep. RR. Sc. ii. p. 358.

§ John Knox joined them, and preached in the caſtle, who, ſays Leſly, *ſe evangelicæ perfectionis cumulum aſſecutum non arbitrabatur, niſi in cardinalis ac ſacerdotis ſanguine ac cæde triumphaſſet.* Leſly, p. 481.

favourers

favourers of the Reformation. Theſe profeſſions procured them the friendſhip of Henry; and their ſituation on the ſea was commodious for their receiving ſupplies from him of the things they ſtood in need of. Being thus ſituated, and attacked by forces alike deficient in the art and implements of beſieging, the governor, about the middle of winter, agreed to a capitulation, in which the ſurrender of the caſtle was ſtipulated, but at a diſtant period, and on conditions which ſeemed to have no meaning on either ſide, but only to gain time. Soon after Henry died, leaving his kingdom to his ſon Edward VI. a boy of ten years of age. The fate of his neighbour ſovereign is ſaid to have given the king of France, who had long been in a declining ſtate, a ſhock that haſtened his end. Francis died in leſs than two months after Henry.

Mary, Q. of Scotland. A. D. 1547.

Jan. 28.

March 22.

THE

THE BORDER-HISTORY OF ENGLAND AND SCOTLAND.

BOOK VIII.

Edward VI. K. of England.

1547. Feb. 16. Carte, vol. iii. p. 201. 204.

THE earl of Hertford, ſoon after Henry's death, was advanced to the dignity of duke of Somerſet; which promotion, with ſeveral others *, that were made at the ſame time, was known to be agreeable to the intention of the late king. But Somerſet not content with this elevation, and the influence which his near relation to the young king muſt naturally have given him, aſpired to higher power and titles; and had ſo much influence over the other counſellors and executors of the king's will, as to obtain the conſent of the greater part, for inveſting him with the office of *protector of the kingdom and governor of the king's perſon*, until Edward ſhould attain the age of eighteen years. Soon after this council gave him a power over themſelves and the nation no way inferior to the regal. The protector, agreeably to the dying exhortation of the late king, entering zealouſly into the proſecution of his deſigns on the ſide of Scotland †; ſoon concluded a convention with the garriſon of St. Andrew's, upon conditions that Henry had approved of. In a treaty concluded about the ſame time with the French king, for confirming the articles ſettled by the league of the preceding June, it was agreed, that no prejudice ſhould thence reſult to the laſt treaty between the Engliſh and the Emperor, nor to any preceding treaties that France pretended to have concluded with the Scots. Henry, the young king of France, being thus at liberty to ſupport his ancient allies, whom the Engliſh regency had refuſed to

March 3.

March 9. 15. Rym. vol. xv. p. 132. 144.

March 14.

* Dudley viſcount Liſle (afterwards duke of Northumberland) was at that time created earl of Warwick.

† The Scottiſh regency informed the king of France, that they were ſurely advertiſed, that Henry intended to ſend an army into Scotland, in the February that ſucceeded his death. Ep. RR. Sc. p. 376.

comprehend

comprehend in this new treaty, ſent over a ſmall fleet of gallies, under the command of Leo Strozzi, with forces, engineers, and artillery, to aſſiſt in reducing the caſtle of St. Andrew's. The news of the arrival of this fleet brought back the governor from an expedition he had undertaken to the weſtern borders, where he took and deſtroyed the caſtle of Langhope. And by the joint efforts of the French and a body of national troops, the garriſon of St. Andrew's caſtle being, after a fortnight's ſiege, reduced to the laſt extremity, ſurrendered to the French general, on condition of having their lives ſpared, and of being carried over to France; to remain in that, or ſome other country, exiles from Scotland.

Mary, Q. of Scotland. 1547. Buchanan. Holingſhed. July 30.

The ſuccours, which the garriſon of St. Andrew's expected from England, were retarded by the length of time required to prepare the great armament, with which the protector reſolved to invade Scotland, both by ſea and land. The Scots were expecting this invaſion all the ſummer; an ambaſſador, whom the governor had ſent to the Engliſh court, with propoſals of certain terms of accommodation, wherein the marriage of Edward with the queen of Scotland was not included, having returned in May, with intelligence of the rejection of his offers, and of the great preparations that were making in England, for an expedition againſt Scotland. Hereupon the Scottiſh council iſſued proclamations, for firing beacons on the hills near the coaſts, from St. Ebb's Head all the way to Linlithgow, upon diſcovering the approach of an Engliſh fleet; and to have poſt horſes provided at each beacon to carry intelligence, if the enemy entered the realm in the day-time *; and alſo forbidding all perſons to forſake their habitations, or remove their goods on account of the threatened invaſion, the governor being reſolved, at the hazard of his life, with the noblemen and ſubjects of Scotland, to reſiſt the invaders. Theſe precautions, though ſomewhat premature, were not without ſufficient ground; for, in the end of Auguſt, an Engliſh army, of about eighteen thouſand men, conſiſting of excellent troops, well furniſhed with all kinds of warlike ſtores, and commanded by the protector in perſon, arrived at Berwick. At the ſame time a fleet of thirty-four ſhips of war, thirty tranſports, and a galley, appeared in the bay before that place. The protector, on the ſecond day after his arrival, eſcorted by his own band of horſemen and a few more, rode to Eymoth,

King Edward's Journal. May 25. Ep. RR. Sc. Ap. vol. ii. p. 383. 387. Sept. 1. Patten's Journal.

* Seven hills, within the extent mentioned, are appointed to have bails ſet and kept upon them in the night-time. Theſe are St Ebb's-Head, the Dow-Hill above Faſt-Caſtle, the Domi-Law above Spot, North Berwick-Law, Domiprender-Law, Arthur's Seat, or Edinburgh-Caſtle, and Binning's Craig above Linlithgow. Perſons are alſo charged with the care and keeping of each; Sir George Douglas of Pittendreich, of that at St. Ebb's-Head; the laird of Reſtalrig of that of Dow-Hill; Robert Hamilton, captain of Dunbar, of that on Domilaw above Spot; the Prioreſs of North-Berwick of that upon North-Berwick-law; Patrick earl of Bothwell of that on Domiprender-Law; the town of Edinburgh of that on Arthur's Seat, or Edinburgh Caſtle; and William Hamilton of Perdovan, and Matthew Hamilton, maſter of the houſehold to the lord governor, of that of Binning's-Craig above Linlithgow. If the enemies came by day-light, theſe perſons, being provided of poſt-horſes at the ſeveral bails, were, by poſt, to ſend advertiſement from one to the other. The rendezvous from the Eaſt and Weſt was to be at Edinburgh, and proclamations were iſſued to all the inhabitants of the neighbouring country to obſerve the ſignals, and to be prepared with all military accoutrements to move as thereby directed.

where,

Edward VI. K. of England.

1547.

where, having examined the inlet by which the ſmall river Eye diſcharges itſelf into the ſea, he found it would be a commodious place for a harbour; and, ſoon after, ordered a fortreſs, for defending its entrance, to be built on a promontory on its north ſide †. The army, after encamping two days in the fields near Berwick, upon the ſea-ſide, began its march towards Scotland; the fleet, at the ſame time, ſteering its courſe towards the Frith of Forth. The dangerous paſs of the *Peaſe* ‡ was rendered more troubleſome by ſome trenches caſt acroſs it; but the pioneers of the Engliſh army ſoon removed theſe obſtructions. The caſtle of Dunglaſs, ſituated near the weſtern extremity of this paſs, was yielded by its keeper Matthew Home, nephew to the lord Home, to which lord the caſtle belonged *; and leſt it ſhould diſturb the army in their return, was demoliſhed; though not without trouble, by reaſon of the thickneſs of the walls, and their being founded deep in a rock. Two ſmall piles in the neighbourhood made a defence, but were ſoon reduced; ſome of the deſperate people within them being ſlain, and others ſpared.

Sept. 4.

Patten's Expedition againſt Scotland in Holingſ. Eng. Chr.

Paſſing by the caſtle of Dunbar, which would have required too much time to reduce, the Engliſh advanced towards Edinburgh, and on the eighth pitched their camp in the neighbourhood of the ſmall town of Preſton-Pans §; their fleet lying in the Firth as near them as it ſafely could. At the diſtance of about two miles along the ſhore, on the weſt ſide of the river Eſk, near Muſſelburgh, was encamped an army of thirty thouſand Scots, under the command of the governor, who had ſent meſſengers over the kingdom, with a fiery croſs, to ſummon all men between ſixty and ſixteen to follow him in defence of their country. On the day following, a band of Scottiſh horſemen approaching the Engliſh camp too wantonly, were unexpectedly encountered by a body of Engliſh cavalry and ſome foot: after a ſkirmiſh of three hours, the Scots were defeated, and driven back to their camp with great ſlaughter. The lord Home in the rout fell from his horſe, and received a hurt, of which he died at Edinburgh ſoon after: his eldeſt ſon was taken priſoner in the ſame action ‖. A challenge given by the earl of Huntley to

Patten. Hayward, p. 284. Buchanan.

† He appointed Thomas Gower marſhal of Berwick to be governor of this fortreſs.

‡ It is called Peathes by Holingſhed, and by Hayward Peaths; which, according to the latter, is the ſame with Paths, and denotes deep paths running ſlopewiſe down the deſcents, on the ſides of the hollow ground through which this paſs lies. "So ſteep be theſe banks on either ſide, ſays "Patten, and deep to the bottom, that who goeth ſtraight down ſhall be in danger of tumbling, "and the comer up ſo ſure of puffing and pain; for remedy whereof, the travellers that way have "uſed to paſs it, not by going directly, but by paths and foot-ways leading ſlopewiſe, of the "number of which paths, they call it, ſomewhat nicely indeed, *the Peaths*."

To the diſgrace of the country, this paſs, though in the public high-way betwixt Berwick and Edinburgh, and on the poſt-road betwixt the capitals of the united kingdoms, ſtill continues very difficult and dangerous.

* But Patten calls it, a caſtle of George Douglaſs. "The garriſon, he ſays, conſiſted of "twenty-one ſober ſoldiers; all ſo apparelled and appointed, that ſo God help me, (I will ſay it "for no praiſe) I never ſaw ſuch a bunch of beggars come out of one houſe together in my life."

§ Patten calls it *Salt-Preſton*.

‖ Of our ſide, ſays Patten, one Spaniſh hackbutter was hurt: and Sir Ralph Bulmer knight, Thomas Gower marſhal of Berwick, and Robert Crouch, were taken; all captains of ſeveral bands of our light horſemen, and men of right good courage and approved ſervice, and at this time diſtreſſed by their own forwardneſs, and not by the enemy's force.

the

the protector of England, to decide the quarrel by a ſingle combat, being rejected on the one hand, and on the other, no regard being paid by the governor of Scotland to propoſals of accommodation, in which the terms formerly inſiſted on by the court of England were much lowered, matters were brought next day to the deciſion of a battle. This the Scots were ſo fond of, and ſo much perſuaded that the Engliſh ſought to decline it, that though they had in the former day loſt the beſt part of their cavalry, they abandoned in the morning their ſtrong ſituation, and approached towards their enemies with a precipitation that proved fatal; the earl of Angus leading the vanguard, the governor himſelf commanding the main body, and the earl of Huntley the rear. Although a band of Engliſh horſe were at firſt repelled by the firmneſs of the Scottiſh ſpearmen, this ſhock was ſoon recovered; and the Engliſh gaining the advantage of the ground, and making good uſe of their cannon, both on the field and on board ſome of their ſhips, whoſe guns were brought to bear upon their enemies, the Scots were ſoon ſeized with a general pannic, threw down their arms, and betook themſelves to flight. The Engliſh made a great ſlaughter in the purſuit *. Many perſons of note were killed, and many taken priſoners; of the latter, the earl of Huntley, lord chancellor of the kingdom, was the chief.

Mary, Q. of Scotland. 1547.

Sept. 10.

On the day after the battle, the Engliſh army advanced to Leith. The protector received there the ſubmiſſion of ſome Scotchmen †; and took meaſures for ſecuring the command of the important Friths of Forth and Tay, by fortifying Inchcolm, in the former, and ſending ſome ſhips to reduce the caſtle of Brochty-Craig, ſituated on the ſouth-ſide of the entrance of the latter. The advanced ſeaſon of the year, and intelligence he had received of plots carrying on againſt him at the Engliſh court, determined him to leave Scotland, without purſuing any farther at that time the great advantage he had gained. He ſpared Edinburgh; but Leith, contrary to his intention, was ſet on fire by his ſoldiers the day before he left it. In his return he took the ſhorter way leading to the eaſtern border over Sowtray; probably, in the view of reducing, as he paſſed, the counties of Mers and Tiviotdale. On the

Patten. Holingſhed.

* Divers of the nobility of Scotland, ſays Hayward, were here ſlain, and many gentlemen both of worth and noble birth; of the inferior ſort about ten thouſand; and, as ſome ſay, fourteen thouſand, loſt their lives. Of the Engliſh were ſlain fifty-one horſemen and one footman, but a far greater number hurt. The Scottiſh priſoners, accounted by the marſhal's books, were about fifteen hundred. Hayward in Ken. 286. The prieſts and monks, of whom there were a great number in the Scottiſh army, received no quarter. The Engliſh ſlaughtered them without mercy; conſidering them as the chief promoters of the war. Buchan. l. 15. Hayward. The number of ſlain, according to Patten, was fifteen thouſand three hundred; of wounded two thouſand, of priſoners fifteen hundred. The loſs of the Engliſh in the whole expedition he makes not more than ſixty perſons. In this battle Somerſet acted the part of an able general; and Warwick, who was ſecond in command, greatly diſtinguiſhed himſelf.

The author has been ſhorter than uſual in his account of this action; which is called the battle of Pinkey, from a nobleman's houſe in the neighbourhood of that name. The reader may ſee a particular and well-written account of this engagement in Hume's hiſtory of England, vol. iv. p. 325, 326. Small edition.

† Among theſe, was the earl of Bothwell, who, on the night after the battle, was liberated from an impriſonment in which he had been held ſome time by the governor.

Edward VI. K. of England. 1547.

second day of his march he arrived at Lauder; and on the third, he encamped in a field, about a mile to the weſt of Home-caſtle. The army continued there the two following days, while the ſurrender of the caſtle was tranſacted with the lady Home, Andrew her ſon, John Home of Coldingknows, a near kinſman of the family, and others, who had the charge of the place. To enforce the arguments uſed for this ſurrender, the protector blocked up the caſtle, by diſpoſing in proper poſts around it, a body of muſqueteers, ſo as to hinder all paſſing out or in without his licence; and afterwards erected on the ſouth of it a battery of eight pieces of cannon, under cover of baſkets filled with earth. The lady's concern for the ſafety of her eldeſt ſon, who remained a priſoner in the Engliſh camp, inclined her to ſurrender the place; but ſome of them who had the joint charge of it, aſked a delay until they ſhould conſult their lord, who continued at Edinburgh dangerouſly ill of the hurt he had received in the ſkirmiſh mentioned above. To this the protector refuſing to agree, the caſtle was given up to the lord Grey, on the morning of the ſecond day after the Engliſh arrived in its neighbourhood; the garriſon, to the number of ſeventy-eight, marching out with what baggage they could carry, and leaving behind them their warlike ſtores and proviſions ‡. Sir Edward Dudley, afterwards lord Dudley, was appointed captain of the place, with a garriſon of ſixty muſqueteers, forty horſemen, and a hundred pioneers.

Patten.

On the morning after the ſurrender of Home-caſtle, the Engliſh army marched towards the Tweed; and paſſing that river, encamped on the plain over againſt Kelſo, between the ruins of the ancient caſtle of Roxburgh and the confluence of Tweed and Tiviot. The protector obſerving the ſtrong and convenient ſituation of the ruined fortreſs, ſet about repairing it, ſo as to make it capable of receiving an Engliſh garriſon. The gaps of the ancient walls were filled with turf; wherein loop-holes were conſtructed, ſome for ſhooting directly outwards, others in flank; and a trench was caſt and a wall erected, from the one ſide to the other, at a ſmall diſtance from each end of the caſtle *. So intent was the protector on finiſhing this work, that he laboured at it with his own hands two hours every day while it was carrying on; and his example was followed by moſt of the principal men in his army. The joint labours of ſo great a number, rendered the place defenſible in five or ſix days; at the end of which, the Engliſh army diſperſed; having paſſed the Tiviot on

‡ When the Engliſh general entered the caſtle, they found in it pretty good ſtore of proviſions and wine; alſo ſix pieces of braſs cannon, and eight of iron.

Beaugé relates, that lady Home was induced to ſurrender the caſtle by the menaces of the Engliſh general, to hang up her ſon his priſoner; who, for this cruel purpoſe, was brought forth bound in the neighbourhood of the caſtle. Hiſt. Campagnes 1548, 1549. p. 78, 79. But the hiſtoric credit of this French writer is much inferior to Patten.

* The ſcheme of the new walls and trenches, according to Patten, was; "that one great ditch "of twenty foot broad, with depth according, and a wall of like breadth, depth, and height, "ſhould be made croſs within the caſtle, from the one ſide-wall to the other, and forty foot from "the weſt end; and that a like trench and wall ſhould alſo be caſt a traverſe within, about a coit's "caſt from the eaſt end; and hereto that the caſtle walls on either ſide, where need was, ſhould be "mended with turf, and made with loop-holes, as well for ſhooting directly forwards as for "flanking at hand."

Michaelmas

Michaelmas day, with no ſmall danger and trouble †, by reaſon of ſome late rains which had ſwelled that river. While the Engliſh were at Roxburgh, a great number of the Scottiſh gentry in the ſhires of Mers and Tiviotdale came into the camp, made their ſubmiſſion to the protector, and ſwore fealty to the king of England ‡. The protector alſo conferred, in that place, the order of knighthood on many of the chief men in his army *. After the diſmiſſion of his forces, the protector moved towards Newcaſtle, having left behind him the lord Grey as the king's lieutenant on the borders; and committed the caſtle of Roxburgh to the keeping of Sir Ralph Bulmer, with a garriſon under him, of three hundred ſoldiers and two hundred pioneers. At the ſame time, the earl of Warwick, lord Grey, and others, went to Berwick to wait the arrival of certain Scottiſh commiſſioners, whom the governor of Scotland had promiſed to ſend thither; but the time prefixed for the arrival of the commiſſioners elapſed without their appearing; ſo that the promiſe of ſending them ſeemed only intended to amuſe §.

Mary, Q. of Scotland. 1547.

A few days after Somerſet had entered Scotland, by the way of Berwick, the earl of Lennox and lord Wharton, then warden of the weſt marches, paſſed theſe marches with a body of five thouſand men; in the view of alarming and diſtreſſing the adjacent Scottiſh counties, ſo as to hinder them from ſending their fighting-men to join the army of the governor. In this inroad the Engliſh took Caſtlemilk in Annandale, and deſtroyed Annan; the church and ſteeple of which were obſtinately defended. Of theſe exploits Somerſet received intelligence while he lay at Roxburgh; and ſent from that place to Lennox and Wharton, letters, applauding and thanking them for their good ſervice. Other irruptions were made in the following winter and ſpring from

Sept. 8. Holingſhed's Sc. Chr. p. 343, 344, 345, 346.

† In Patten, and Holingſhed from him, it is the Tweed: but this doth not agree with the ſituation of the Engliſh camp; and beſides, the river that the Engliſh paſſed, is deſcribed as having a bottom full of ſtones, which is true of the Tiviot, but not of the Tweed.

‡ Of theſe were, the lairds of Ceſsford, Farniherſt, Greenhead, Hunthill, Hundley, Markeſton by Merſide, Bonjedworth, Ormeſton, Mellerſtain, Warmeſey, Linton, Egerſton, Maxton, Mow, Riddel, Reamerſide (probably Beamerſide). Twenty-one more are named of inferior rank or eſtate: among theſe, Robert Carr of Graydon, Sanders Spurvoſe (Purves) of Earlſtone, Mark Car of Littleden, George Car of Fawdenſide, Thomas Car of the Yair, John Car of Meinthon (perhaps Nenthorn), James Douglas of Cavers, James Car of Merſington, William Ormeſton of Endmarden. There were many more beſide theſe named, of harquebuttars and others. So Patten.

The form of the oath they took is in the collection of papers ſubjoined to vol. ii. of biſhop Burnet's Hiſtory of the Reformation, p. 111. and is as follows: "You ſhall bear your faith to the king's majeſty our ſovereign lord Edward VI. &c. till ſuch time as you ſhall be diſcharged of your oath by ſpecial licence. And you ſhall, to the utmoſt of your power, ſerve his majeſty truly and faithfully, againſt all other realms, dominions, and potentates, as well Scots as others. You ſhall hear nothing that may be prejudicial to his majeſty, or any of his realms and dominions, but, with as much diligence as you may, ſhall cauſe the ſame to be opened, ſo as the ſame may come to his majeſty's knowledge, or to the knowledge of the lord protector, or ſome of his majeſty's privy council. You ſhall to the utmoſt of your poſſible power ſet forwards and advance the king's majeſty's affairs in Scotland for the marriage and peace."

* Of theſe, three were created knights bannerets, viz. Sir Ralph Sadler, treaſurer to the army; Sir Francis Brian, captain of the light horſemen, and Sir Ralph Vane, lieutenant of the horſe. Forty-eight others were made knights. Patten.

§ Warwick, and the other commiſſioners for treating with the Scots, left Berwick on the fifth of October. Warwick, while there, created five knights. Patten.

Edward VI. K. of England. 1547.

the ſame quarter, and under the ſame direction, with various ſucceſs. The counties of Annandale, Nithſdale, and Galloway, were ravaged and over-run; and remained for ſome time in ſubjection to the Engliſh government, to which moſt of the principal men of thoſe counties ſwore fealty ‡.

A. D. 1548.

The protector and council of England, willing to maintain an air of moderation amidſt their ſucceſſes, publiſhed, in the beginning of February, a conciliatory addreſs to all ranks and characters of men in Scotland. In this ſoothing declaration they repreſented the advantages of a firm and laſting union between the kingdoms; inſiſted on the favourable opportunity preſented by divine providence of accompliſhing ſuch an union, by perfecting the marriage that had been ſolemnly agreed on between Edward and Mary; utterly diſclaimed all thoughts of conqueſt, or of eſtabliſhing any kind of ſuperiority over Scotland; and offered to ſink their own name, together with that of the Scots, into the common name of Britons. As a ſpecimen alſo of gratitude and good-will to thoſe who had ſubmitted to the king of England, and to all others who favoured this enterpriſe, a privilege was promiſed them, that had never before been granted to Scotchmen in any league of peace or treaty between the kingdoms. This was a freedom of commerce, equal in every reſpect to that enjoyed by the native ſubjects of England, now to be granted to all merchants and other Scotchmen who ſhould enter their names with any warden of the Engliſh marches; and profeſs themſelves, before that warden, to be friends of the alliance with England and of its promoters.

Grafton's Chr. Hol. Eng. Chr. p. 992.

Whatever force there might be in this declaration, to juſtify with impartial judges, the meaſures of the Engliſh government, with regard to Scotland, it is likely the Engliſh themſelves had little hope of its making any conſiderable impreſſion on the minds of the Scots, rankled as they were with the calamities of the preſent war, added to other violent and inveterate prejudices, both of a civil and religious nature. Perſiſting therefore in forcible methods, and reſolving to maintain their acquiſitions on the Scottiſh borders, they erected, in the end of winter and beginning of ſpring, a fort at Lauder; the command of which, with a ſufficient garriſon, was intruſted to Sir Hugh Willoughby. About the middle of April, the lord Grey marched into Lothian with a conſiderable body of forces, and fortified Haddington. He alſo took the caſtles of Yeſter and Dalkeith *, and ravaged the country as far as the neighbourhood of Edinburgh. Having ſpent about two months in this inroad, wherein he met with very little oppoſition, he returned to England, leaving at Haddington a garriſon of two thouſand foot and five hundred horſe. The Scottiſh

‡ This ſubmiſſion was owing in a great meaſure to the intereſt the earl of Lennox had with ſome of the great men in thoſe parts; particularly the knights of Lochenvar and Gairlies. Holingſhed, Sc. Chr. p. 345.

In the laſt of Lennox's inroads, a body of Scottiſh horſemen having treacherouſly deſerted him, and thereby brought him into the greateſt hazard, and ſeveral perſons of note having alſo abandoned and ſought to betray him, there were ſeveral of their pledges or hoſtages executed at Carliſle, by order of the Engliſh regency. Holingſhed, ib. p. 346.

* In the caſtle of Dalkeith, taken June 4th, three hundred were made priſoners, among whom were of note, the maſter of Morton, ſon-in-law to Sir George Douglas, the laird of Blengarvie (Glenbervy), the laird of Wedderburn, and one Alexander Home, a man of good reputation.

governor assembled an army to defend his country against the invaders, but was not strong enough to face them. The inhabitants of Lothian, Mers, Tiviotdale, Lauderdale, and forest of Ettrick, who had accepted the protection of the English, and given them their oath of fealty, were summoned to join the governor's army; a remission for their past offences being promised to those who did so, unless they were actually under process of treason; but at the same time those who failed, were certified, that they should be reputed traitors. Mary, Q. of Scotland. 1548. Haddington's Collections, and Keith's App. p. 57.

The lord Grey had scarce left Scotland, when a body of six thousand good forces, under the command of the Sieur d'Essé, an able and experienced commander, sent over by the king of France to the aid of the Scots, landed at Leith. Not many days after their arrival they laid siege to Haddington. The governor, and several of the nobles who were present at this siege, held a parliament in the abbey near the town, and there came to a resolution of sending the young queen over to France. To this the governor had secretly given his consent before; induced by the great offers of honours and rewards made to him by the French king †: and it was in consequence of this bargain, that Henry sent over to Scotland so considerable a body of troops. But although these troops displayed much both of courage and skill in the siege of Haddington, yet the English garrison made so resolute a defence, that the siege was changed into a blockade. The inland situation of Haddington, its distance from the English frontier, and the range of hills that lay in the way, made it very difficult for the English to supply it with necessaries. One convoy, escorted by two hundred horsemen ‡, got safe into the place in the night, and brought a most seasonable relief. But a far greater aid, sent by lord Grey from Berwick, under the command of Sir Robert Bowes and Sir Thomas Palmer, was totally destroyed. This disaster hastened the motion of an army of fifteen thousand men, which was marching towards Scotland, under the command of the earl of Shrewsbury, and was attended by a fleet commanded by the lord Clinton. The French retired from Haddington on the approach of Shrewsbury; who reinforced the garrison with fresh troops, and supplied them with necessaries of all kinds, after they had been reduced to the last extremities. Marching thence to Musselburgh, where the French lay encamped, and where a numerous body of Scots had joined them, the English general offered battle; but the army of his adversaries was now under a more prudent direction than in the preceding year; and chose to remain in a situation where the English could not safely attack them. Hereupon Shrewsbury soon bent his course homewards. As he passed Dunbar, the German

June 16.

June 28. Keith, p. 55.

Holingſ. Eng. Chr. p. 994.

† He was promised the title of duke of Chatelherault in France, an annuity of twelve thousand livres a year to himself, and a company of men at arms to his son. Many of the nobles, at this parliament, it was believed, were corrupted by French gold, which was distributed pretty liberally amongst them.

The French vessels that brought over the forces under the command of D'Esse, sailed soon afterwards round by Orkney to Dunbarton, where the young queen embarked for France, attended by the lords Erskine and Livingstone, and arrived safely at Brest. Spotsw. p. 90. Burnet, vol. ii. p. 83.

‡ Under the command of captains Windham, Warham, St. Leger, and John Carr of Wark.

mercenaries,

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mercenaries, of whom he had three thouſand in his army, burnt that town. For ſecuring the communication between Berwick and Haddington, it was judged neceſſary to build a new fortreſs at Dunglaſs *; and to defend thoſe employed in carrying on this work, the German mercenaries, together with ſome bands of Engliſh horſe and foot, remained there for ſome time after the reſt of the army returned to England. The lord Grey, who had accompanied Shrewſbury in his late expedition, and remained, after Shrewſbury was gone, inveſted with the chief command on the Engliſh marches, having collected the horſe ſtationed on theſe marches, and carrying alſo along with him the German foot, over-ran Tiviotdale and Liddiſdale, ravaging and deſtroying the country without mercy.

Theſe ſucceſſes of the Engliſh did not hinder the Scots from ſuch enterpriſes as opportunities invited, and were proportioned to their inferior ſtrength. D'Eſſé failed in an attempt to ſurpriſe Haddington, in the beginning of October; but in the end of December, the caſtle of Home was recovered by a ſudden aſſault made upon it in the night, on the ſide where it was ſtrongeſt, and of conſequence moſt weakly guarded. An old gentleman of ſixty, of the name of Home, is ſaid to have been the firſt who mounted the wall. He was diſcovered through the duſk by a centinel, who gave an alarm to the garriſon. This the old man perceiving, had the addreſs and preſence of mind immediately to retire, and conceal himſelf with his companions near the foot of the wall: no enemies being heard or ſeen, it was concluded that the centinel had been miſtaken; and his companions in great ſecurity retired to their reſt. Upon which Home again mounted the wall, and having ſtabbed the firſt he met with upon watch, all the reſt of the garriſon did either quickly ſhare his fate, or were made priſoners †. Not long after, the fortreſs of Faſtcaſtle was alſo taken by ſurpriſe. Certain young men of the neighbouring country, by order of the Engliſh governor, had conveyed thither, on horſes, ſome proviſions for the garriſon. Having unloaded the horſes, and taken up the proviſions on their own ſhoulders, they were allowed to paſs over the bridge, which joined two high rocks, and to enter the caſtle. But ſuddenly throwing down their loads in the entrance, and producing the weapons they ſecretly carried, they ſlew the centinels; and being ſupported by their companions, who inſtantly ruſhed after them, the Engliſh garriſon were overpowered, and all of them either ſlain or made priſoners.

Dec. 26. Holingſ. Sc. Chr. p. 349. Buchanan, l. 15. Leſly, p. 500.

A. D. 1549.

* The author of the hiſtory of the Campagnes 1548, 1549, ſays, that lord Grey ordered the fort of Dunglaſs to be built on the brow of a hill, but blundered extremely in the ſituation; for no water could be had there, and that hill was commanded by a leſſer one, at the diſtance of about fifty paces, ſo high that none could ſtand at the *breach* (ita) of the fort without laying themſelves open, not only to the view, but alſo to the battery of that ſuperior ground. P. 63.

† Holingſhed, in Eng. Chron. p. 996. aſcribes the ſucceſs of this exploit to the treachery of certain *aſſured* Scots, who, uſing to bring victuals to the Engliſh, had obſerved the diſpoſition of their ſcouts and watches, with the places of the wall where the aſcent was moſt eaſy: and this is agreeable to the ſhort account of this affair in king Edward's journal, viz. "That Home-caſtle "was taken by night, and treaſon, by the Scots." App. to Burnet's Hiſt. Refor. vol. ii. p. 6. There is alſo a circumſtantial account of it, in Beaugé's Hiſtory of Campagnes 1548, 1549. p. 79—82.

The

Mary, Q. of Scotland.

1549.

The Scottiſh regency, apprehending that the Engliſh intended to fortify Jedburgh, ſent the French general D'Eſsé thither to prevent it, and to annoy the neighbouring Engliſh marches. D'Eſsé's firſt exploit in this expedition was the recovering the caſtle of Farniherſt, ſituated at a ſmall diſtance above Jedburgh, on the weſt ſide of the river Jed. The Scots exerciſed great cruelties on this occaſion *; but they excuſed them by the barbarous treatment the neighbouring country had received from the garriſon of the place. D'Eſsé continuing ſome time at Jedburgh, made, by detached parties, ſome ſucceſsful inroads into the Engliſh borders. In one of theſe incurſions the caſtle of Cornhill, an old houſe of conſiderable ſtrength, was taken by a body of Frenchmen, and ſpoils found in it of very conſiderable value †. Encouraged by the ſucceſs of theſe incurſions, the French general himſelf, accompanied with all his forces, and carrying with him four field-pieces, entered England. In this expedition he attacked the caſtle of Ford, and took and burnt the greater part of it; but was obliged to retire, leaving unreduced one of its towers, which was defended by Thomas Car. The French and Scots are ſaid, at this time, to have burnt ſome villages in the neighbourhood of Ford. A body of light horſemen ‡ being drawn together to defend their country, the invaders were obliged to retire; but their retreat was ſo well conducted, that they carried off in ſafety to Jedburgh the booty they had collected, which was very conſiderable §. Soon after the Engliſh collected a little army ‖ at Roxburgh, which they intended to employ in driving D'Eſsé out of his poſt at Jedburgh, from whence he had much annoyed them. But the French general, receiving intelligence of their deſign, and not having above fifteen hundred foot and five hundred horſe fit for action, retired firſt to Melroſe, and thence into the interior parts of the country, where his enemies could not follow him **. Notwithſtanding the ſucceſs that upon the whole

Hiſt. Campagnes 1548, 1549, p. 94, 95. Holingſhed.

* The Engliſh governor, after ſurrendering himſelf to a French captain, had his head ſtruck off by a Scotchman, whoſe wife, it was ſaid, he had raviſhed. Hiſt. Sc. Chr. p. 349. Beaugé ſays, alſo, his daughter.

† Among the eatables, Beaugé mentions large quantities of ſalted ſalmon. P. 97.

‡ Beaugé ſays, there were more than three thouſand of them.

§ The Scots who attended the French in this expedition, were thought to have gained by pillage and booties, to the amount of nine thouſand crowns. Hiſt. Sc. Chr. p. 350. It is in the tranſlation of Beaugé, only nine hundred, but a cypher has been probably omitted; and that hiſtorian obſerves, that the Scots could not be prevailed on to divide any part of this booty with the French. p. 102.

‖ Leſly calls them, eight thouſand.

** The affronts and loſſes which the Engliſh ſuſtained in the inſtances above related, ſeem to have been much owing to many abuſes, and a grievous relaxation of diſcipline amongſt their forces employed on the borders. Theſe abuſes chiefly prevailed among the light-horſemen, whoſe ſervice was of the greateſt moment in this marauding war. The captains, preferring baſe gain to their honour and country's good, made falſe muſters, and picked even part of the pay of thoſe who actually ſerved under them: the private men, naturally imitating and deſpiſing ſuch leaders, did not provide themſelves with ſufficient horſes and harneſs, nor take any care of thoſe they had; and were negligent of repairing to their poſts or ſtandards when called; and left them, as cowardice, humour, or intereſt, dictated. And as their ſole object was booty, they pillaged the Scots, who had ſubmitted, and been received into the king of England's protection, equally as others. For remedying theſe diſorders, and enforcing the ſtrict obſervation of duty and diſcipline, the Engliſh regency emitted a proclamation in the ſpring. Strype, Mem. of Edw. p. 148, 149.

attended

Edward VI. K. of England.

1549. Hiſt. Campagnes, p. 104, 105. Haynes.

attended this expedition, D'Eſsé's army ſuffered extremely in the courſe of it, through fatigue, ſickneſs, and ſcarcity of proviſions. The Engliſh under the earl of Rutland, arriving at Jedburgh, ſoon after the French had retired over Ancrum-bridge, found it deſolate, and the houſes uncovered. The goods belonging to the town were carried to Hundelee, Boonjedburgh, and other places. Hundelee, Boonjedburgh, and Hunthill, were next day ſtormed, burnt, and plundered by the Engliſh; of whom a party were ſent the ſame day to Ancrum-bridge, and drove from it, not without difficulty, a guard which D'Eſsé had placed there to ſecure his retreat, and protect the adjacent village of Ancrum. This village, which was a poſt of conſequence to the Scottiſh border garriſons, was alſo plundered and burnt; and on the day following, the Engliſh wanting victuals, retired without loſs or hinderance to Wark *.

In the ſummer of this year, the meaſures that had been employed by the Engliſh regency, for purſuing with vigour the war in Scotland, were in a great degree fruſtrated by the domeſtic commotions in their own country. Theſe diſturbances took their beginning from a proclamation iſſued by the regency for laying open incloſures; the multitude of which, had become a great grievance to the poor. The common people thus encouraged to put forth their hand, to redreſs the injuries they ſuſtained in temporal matters, were eaſily inſtigated to oppoſe alſo the innovations in matters of religion †, which bigotted or crafty prieſts and monks repreſented as injuries of far greater conſequence. The levelling ſpirit did alſo revive among the lower order of people, that had raged long ago, in the reign of Richard II. In quaſhing the rebellions thus kindled, particularly in Devonſhire and Norfolk, were employed a great part of the forces that had been levied or hired for the Scottiſh war. The lord Grey being alſo ſent againſt the rebels, the wardenſhip of the eaſtern marches, and the lieutenancy of the north, were committed to the earl of Rutland. The valour and diligence of this nobleman preſerved the affairs of his countrymen in Scotland on a reſpectable footing through the ſummer, notwithſtanding the violent inteſtine diſtractions of England. His army lay, for the moſt part, at Dunglaſs, as the proper ſtation for maintaining a communication between Berwick and Haddington. He beſieged Home-caſtle in vain; a ſufficient proof of his want of forces: and after failing in this enterpriſe, he ravaged Tiviotdale, and other parts of the country on the borders, in puniſhment, as was alleged, of the perfidy of the inhabitants, who had violated the oath of fidelity they had ſworn to the Engliſh crown ‡. The only loſs that is recorded to have been ſuſtained nigh the borders by the Engliſh,

Holingſhed. Sc. Chr. p. 351.

* This little expedition muſt have been in May, for the letter giving an account of it is dated June 1. Haynes, p. 109.

† The reformed liturgy was eſtabliſhed by the parliament that ſate in the preceding winter. An act for uniformity in the uſe of it, under penalties, was paſſed January 15. Parl. Hiſt. vol. iii. p. 234.

‡ It is probable that many of them had obeyed a proclamation ordered by the council on the 13th of July; that all perſons *aſſured* to England ſhould, before a certain day, renounce *this aſſurance*, and report their doing ſo to the queen, the lord governor, and council; certifying to thoſe that failed, that they ſhould be purſued as enemies, with fire and ſword. Keith's App. p. 59.

during

during this ſummer, was at Coldingham. At that place were ſtationed ſome Spaniſh mercenaries, under the command of Julian Romero, who being ſurpriſed by a body of French and Germans, in the Scottiſh ſervice, were all either made priſoners or ſlain. Mary, Q. of Scotland. 1549. Leſly, p. 505.

About the middle of ſummer the French general D'Eſsé returned to his own country; and was ſucceeded in his command by Des Thermes, who brought over with him from France a conſiderable reinforcement. His principal employment, for ſome time after his arrival, was to obſtruct the conveyance of ſupplies to Haddington; but in ſpite of all he could do, Rutland, during the ſummer, found means to ſupport that garriſon. In Auguſt, the French, encouraged by the violent civil commotions in England to attempt the recovery of Boulogne, proclaimed and begun a war with that intent. This war with France, following the diſtreſs and loſs that had been ſuffered by the rebellions at home, diſpoſed the Engliſh regency to abandon Haddington *; which they had hitherto retained with ſo much difficulty and expence. Rutland, marching thither in the end of autumn, with a ſufficient body of forces, among which were a band of German mercenaries, totally demoliſhed the fortifications of the place; and, without the leaſt moleſtation from the Scots or French, conveyed the garriſon, with all their artillery and ſtores, to Berwick. Holingſhed's Eng. Chr. p. 1061. Oct. 1.

The Scots, with the help of their French allies, in the month of February following, took by ſtorm the fortreſs of Broughty-Craig, which had been held by the Engliſh from the time of the battle of Pinkey; and ſoon after this ſucceſs, they laid ſiege to the fort of Lauder †. Sir Hugh Willoughby had ſtill the command of that place; and was reduced to great ſtraits, when he received intelligence that peace with Scotland was proclaimed in England. One of the conditions of this peace being the ſurrender of Lauder fort, Willoughby was honourably freed from this charge; and delivered the fort into the hands of the beſiegers, upon their delivering to him hoſtages for the conditions of the peace being fulfilled on their ſide. A. D. 1550. Feb. 20. King Edw. Journal, p. 781. April 10.

The war that had broke out between England and France, in the end of the preceding ſummer, was of ſhort duration. The French found a reſiſtance from the garriſon at Boulogne which they had not apprehended; and were not able to reduce that place by a long and vigorous ſiege, which they carried on in the courſe of the winter. They alſo knew that the court of England were endeavouring to draw over to their party, in the defence of Boulogne, the Emperor, who was at that time very formidable. On the other hand, the ſupport and defence of Boulogne was an intolerable expence to England; and

* Leſly ſays, that the plague had got among the garriſon, and killed a great number of them, p. 505.

† On the third of this month, an act of the Scottiſh council was made, appointing Alexander lord Home to make ſearch for certain perſons in the Mers and parts adjacent, who continued under *aſſurance* to England; and had, a few days before, furniſhed carriages and carriage-horſes for ſupplying the fort of Lauder. This lord was ordained to apprehend ſix of the principal offenders, and puniſh them capitally; and for this purpoſe was authoriſed to hold courts of juſtice. Keith's App. p. 60.

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Warwick, with his accomplices, who had lately driven out Somerſet from his great offices and power, which they ſhared among themſelves, were, for their own ſecurity, deſirous of peace. Theſe circumſtances brought about a negociation, which iſſued in a treaty of peace, concluded at Boulogne, in the end of March. The principal object of this treaty was the reſtitution of Boulogne to France; which reſtitution accordingly was inſtantly made: but the French inſiſting that their allies of Scotland ſhould be comprehended in the peace, this was alſo granted; though with great appearance of reluctance on the part of the Engliſh, who pretended, that their engagements with the Emperor hindered their giving peace to Scotland without his conſent *. The articles in this treaty relating to Scotland were, that the forts of Dunglaſs and Lauder, which the king of England had built in Scotland, ſhould be delivered to the Scots, together with all the ordnance within them, except what had been brought to them from Haddington; and that this reſtitution ſhould be made, as ſoon as commodiouſly might be, and before the ſecond payment of the four hundred thouſand crowns †, which, in the preceding part of the treaty, were agreed to be paid by France, in conſideration of Boulogne being reſtored by the Engliſh. On the reſtitution of the above-mentioned forts, the Engliſh garriſons were to be allowed to retire from them ſafe and ſecure with their baggage, and the artillery that had been brought into them from Haddington. It was farther agreed, that if theſe forts ceaſed to be in poſſeſſion of the king of England, he ſhould be underſtood to be free from the obligation by which he now bound himſelf to reſtore them; and that in place of this reſtitution, and, as it were, in recompence for it, he ſhould be obliged, within forty days after the date of the preſent treaty, to deſtroy and raſe to the ground the towns and caſtles of Roxburgh and Eyemouth; which places it ſhould not be lawful for the king of England, the French king, or the queen of Scotland to reſtore and rebuild: And farther, if, according to the abovementioned agreement, the king of England ſhould make reſtitution of the caſtles of Dunglaſs and Lauder, ſtill he ſhould be obliged to deſtroy and raſe the towns of Roxburgh and Eyemouth, provided the queen of Scotland required him to do ſo, and, on her part, demoliſhed the caſtles of Dunglaſs and Lauder. To theſe particular ſtipulations it was added, that the queen and kingdom of Scotland ſhould, as confederates of France, be comprehended in the preſent treaty of peace; ſo that the king of England ſhould commit no hoſtilities againſt them, unleſs a new and juſt occaſion were given by the Scots themſelves: and the queen of Scotland was obliged to certify under the great ſeal of her kingdom, within forty days after the date of the preſent treaty, her ratifying and confirming of the preſent comprehenſion, and all the articles of the treaty that related to her or her kingdom: with reſervation, however, to the king of England, of all rights and claims againſt France and Scotland; and to the

March 24. Rym. vol. xv. p. 211.

* The Emperor's ambaſſador afterwards alleged, that the Engliſh had broken league with his maſter, by making peace with Scotland; to whom it was anſwered, That it was the French king who comprehended them, and not the Engliſh; any farther than that the latter might not invade them without occaſion. King Edward's Journal, p. 11. April 19.

† This ſecond payment was agreed to be made before the 15th of the enſuing Auguſt.

French king, and queen of Scotland, of the rights, claims, and defences, which they had to oppoſe to the former. Mary, Q. of Scotland.

Theſe articles of the treaty between England and France being without delay ſent over to Scotland, the maſter of Areſkine * was diſpatched by the Scottiſh regency into England, to notify their acceptance of the ſaid articles, and to require a ratification of them under the great ſeal of England, which was readily obtained. The fort of Dunglaſs was alſo given up by the Engliſh, and that fort, together with thoſe of Lauder, Roxburgh, and Eyemouth, were demoliſhed, according to the treaty. In this ſituation matters continued between the neighbouring kingdoms for more than a year. The Engliſh ſtrengthened their northern frontier, by ſending thither the principal captains who had commanded in Boulogne, together with ſix hundred men, of which two hundred were added to the garriſon of Berwick. A ſurvey was alſo made of the forts towards Scotland, in order to ſuch repairs and additions as might ſeem moſt expedient; and it was probably in conſequence of this ſurvey, that conſiderable reparations and additions were ſhortly afterwards made to the fortifications of Berwick †. The earl of Warwick, ſoon after the peace with France, was made warden-general of the north, and had one hundred horſemen aſſigned him for that ſervice at the public charge ‡: but Warwick chuſing to remain at court, Bowes continued in his charge of warden §; and compenſation was made to the earl of Warwick for the profits accruing from that office. A ſort of inroad was made by lord Maxwell on the weſt border, directed chiefly againſt the Græmes, a Scottiſh family who had transferred their allegiance to the king of England: but Maxwell's progreſs was ſoon ſtopped by lord Dacres; and, as this incurſion was probably owing to a private feud, the Engliſh do not ſeem to have conſidered it as a breach of the *comprehenſion*.

1550. Rym. vol. xv. p. 255. K. Edw. Journ. p. 13.

Ibid.

Ib. p. 11. 181

Ib. p. 184

Jealouſy of the Emperor, formidable to all his neighbours by his ambition and great power, and particularly to England by his zeal for the Papacy, and his diſpoſition to favour the claims of his couſin the princeſs Mary, produced a ſtricter union between the courts of France and England. A natural conſequence of this union was, a new treaty between England and Scotland, for deciding and ſettling all points that remained doubtful and controverted; ſo as to ſecure the permanency of the tranquillity that now ſubſiſted between the nations. The demands of the Scots were propoſed to the court of England

* Thomas, maſter of Areſkine, was alſo to paſs into France as ambaſſador to that court. Among other inſtructions, one was, to requeſt the king of France to fortify and maintain garriſons in Dunbar, Blackneſs, and the forts of Brouchty and Inchkeith. And it is added, "that the lord "Home keep the caſtle of Home, and the king to ſupport him as he pleaſes, becauſe it is our "charge; and *to* (ita) the ſaid lord to keep the ſame as an houſe of war, ſo near the borders."

† The charges in fortifications at Calais and Berwick, are mentioned in king Edward's journal, as a reaſon for debaſing the coin. And mention is made in the ſame journal, of a piece of Berwick wall falling, becauſe the foundation was ſhaken, by working of a bulwark (September 24, 1551). Edward's Journal, p. 28. 35.

‡ Warwick's fee was 1000 l. per annum, and for each horſeman ten pence a day. Strype, Mary, vol. iii. p. 28.

§ Bowes, for his good ſervice, was to have had a penſion ſettled on him, and to have been farther rewarded. Strype.

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A. D. 1551. K. Edw. Jour. p. 22. 24. Rym. vol. xv. p. 263. Strype. Mem. Edw. p. 262.

in the beginning of 1551, by Monſieur de Lanſai; and this Frenchman was afterwards one of thoſe commiſſioned, in name of the Scottiſh queen, to negociate and conclude the treaty with commiſſioners from the king of England.

June 10. Rym. ib. p. 265. Nicholſ. LL. March. p. 56.

Thoſe commiſſioned from each court having met at Norham *, ſubſcribed a treaty, in the church of that village. In this treaty, the ancient accuſtomed articles relating to the manner of redreſs of wrongs, and to the intercourſe between the nations by land and ſea, were inſerted; and ſome additions were made, reſpecting circumſtances that had ariſen from the late war. It was agreed, that the limits of the two kingdoms ſhould be the ſame as they were before the beginning of the war between Henry VIII. and James V. The Engliſh having, in the courſe of the war, ſeized the houſe of Edrington and mill belonging to it, commonly called the Caw-mills, as alſo its lands, fiſhings, and other dependencies; for the reſtitution of which, no proviſion had been made by the comprehenſion of Scotland in the treaty between England and France: it was now agreed, that all theſe articles ſhould be reſtored within four days after the date of the preſent treaty, and that the Engliſh garriſon in the houſe ſhould be removed. It was farther agreed, that ſuch fiſhings on the Tweed, as the Scots were certainly known to poſſeſs, before the beginning of the war, from the bounds of Berwick upwards to Reddenburn, ſhould now again belong to them, and be enjoyed and wrought by them as formerly they were; and that hoſtages and captives, on whatever account taken by either ſide, during the war, and ſtill detained, ſhould be diſmiſſed freely, and as ſoon as poſſible. To the article, which is the ſame as in many preceding treaties, ſtipulating the delivery of malefactors that had fled from the dominions of one of the kings, and taken refuge in thoſe of the other, a proviſo is ſubjoined in the preſent treaty; excepting from this article, the ſubjects of either of the princes, who, favouring the party of the other, had, in the courſe of the late war, transferred to him their allegiance and ſervice. The article relating to Berwick remains preciſely the ſame in this treaty, as in all thoſe concluded between the kingdoms ſince the year 1491. This treaty was ratified by Edward before the expiration of the month in which it was made, and by the governor of Scotland about the middle of Auguſt following.

Border Laws, p. 61.

Rym. vol. xv. p. 271. 273. 281.

In the end of the preceding February, Henry Grey marquis of Dorſet, was appointed warden of the marches towards Scotland †; but the diſorders that prevailed in that quarter made his charge ſo diſagreeable, that ſeven months were ſcarce elapſed, when he reſigned it into the king's hands. It is probable, his reſolution to make this reſignation was promoted by the earl of Warwick, who had an entire aſcendant over Dorſet, and was deſirous, among his other ſchemes of ambition, to reſume into his own hands an office of ſo much conſequence. Warwick immediately ſucceeded to the wardenſhip; and, not

Edw. Journ. p. 35.

Strype. Sept. 28.

* The Scottiſh commiſſioners were, Robert biſhop of Orkney, Robert lord Maxwell, Thomas maſter of Erſkine, and Louis de St. Gelais lord of Lanſac, knight. The Engliſh, Thomas biſhop of Norwich, Robert Bowes, Leonard Beckwith, and Thomas Chaloner, knights.

† The ſame authority ſays, he had three ſub-wardens; the lord Ogle in the eaſt, and the lord Coniers in the weſt marches. The middle-warden not mentioned.

many

many days after, was created duke of Northumberland *; the marquis of Dorſet being at the ſame time made duke of Suffolk, and others of Warwick's creatures receiving high titles and offices. The violent proſecution and death of Somerſet followed ſoon after; by which the power of Northumberland was eſtabliſhed during the remainder of Edward's reign. Northumberland's popularity in England was much inferior to what Somerſet had enjoyed; which made it the more neceſſary for him to court the friendſhip of France and Scotland. A grateful office was done about this time, by the court of England to each of theſe powers, in the hoſpitable reception which that court gave to the queen-dowager of Scotland; who, after a viſit to the court of France, where ſhe ſtayed more than a year, paſſed through England, in her return towards Scotland; and having been entertained by king Edward, with every demonſtration of reſpect and kindneſs, was attended by perſons of rank, in all the Engliſh counties through which ſhe paſſed, until ſhe arrived, about the end of the year, on the frontiers of Scotland.

Mary, Q. of Scotland. 1551. Oct. 11.

Early in the following year, it was agreed between the court of England and the French ambaſſador reſiding there, that an effectual remedy ſhould be applied to a perpetual ſource of contention between the Engliſh and Scots; which aroſe from a ſmall tract of ground, commonly called the *Debatable land* †, ſituated between the rivers Eſk and Sark, on the extremity of the weſtern border. As no authority was exerciſed in that tract by the kings of either nation, it naturally became a place of refuge for the moſt abandoned criminals after their expulſion or flight from their own country. From thence they made their plundering inroads into the countries adjacent on either ſide, and thither they retired with their booty; and often by fear or favour induced the neighbouring inhabitants to be partakers of their crimes. It was firſt propoſed, that, agreeably to an article in the treaty of Norham, that diſtrict ſhould be wholly evacuated and laid waſte; but it was afterwards thought better to make a diviſion of it between the kingdoms. For this purpoſe, after ſome ſcruples and delays, commiſſioners appointed by each of the powers, met on the ſpot, and agreed on a line to be marked by a ditch and march-ſtones; the ground of one ſide whereof was thenceforth to belong to England, and that on the other to Scotland ‡.

A. D. 1552. Edw. Journ. p. 45. Rym. vol. xv. p. 316. Haynes, p. 120. Edw. Journ. p. 49. Sept. 24.

In the months of July and Auguſt of this ſame year, the duke of Northumberland, in quality of warden-general of the marches, made a diligent ſurvey of them in perſon; adminiſtering juſtice in the warden-courts, kept at Newcaſtle, Alnwick, and Carliſle, and inſpecting the fortreſſes formerly

Border Laws, p. 142.

* In Strype's memorials, there is an account of Northumberland's commiſſion. It gave him as ample authority, as had been uſed to be given thoſe bearing this office, in the reigns of Richard II. Henry IV. Henry V. Henry VI. Edward IV. Richard III. Henry VII. Henry VIII. appointing him to the ſame, well fortified with weapons of war, for the ſafe-guard of the king's liege people, and the ſure defence of the town and caſtle of Berwick, and to ordain, appoint, and conſtitute under him a ſub-warden; and to have the pre-eminencies, liberties, and commodities, belonging to the ſame office, &c.

† *Terra contentioſa.*

‡ The ratification of this diviſion was given by the governor of Scotland at Jedburgh, Nov. 9.

erected

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erected on the borders, and one, which was then erecting at Berwick *. Many diſorders were every where redreſſed by him, and ſuch a police and diſcipline partly reſtored, and partly anew introduced, as ſeemed neceſſary to prevent or correct the enormities that every where prevailed. To maintain and carry on theſe reformations, he made choice of the lord Wharton as his deputy-warden over all the marches, and this lord had deputies under him for each of the diviſions. Wharton received the king's commiſſion from Northumberland at Newcaſtle, on the 12th of Auguſt. And Northumberland returning to court about the end of that month, and ſtill intent on the buſineſs of the north, procured an order to be made, that for the better ſtrengthening of the marches, no one man ſhould be poſſeſſed of two offices; in conſequence whereof, Sturley who was, at the ſame time, captain of Berwick, and warden of the eaſt marches, reſigned the latter of theſe offices to the lord Eure.

1552. Edw. Journ. p. 59. July 30.

Ib. p. 61.

Border-Laws, App. No. 3. p. 141.

Wharton appears to have ſeconded the views of his principal with great aſſiduity. About the middle of September, he held a conſultation at Newcaſtle with his deputy-wardens †, the captains of the border fortreſſes, the ſheriff of Northumberland, and about thirty gentlemen of the marches, who had the beſt reputation for wiſdom and experience. At this meeting, ſeveral articles of diſcipline were eſtabliſhed or revived. Watches were appointed in each of the marches both by night and day, according to the ancient cuſtom. The places to be watched, which were either paſſes by land, or the fords of rivers, were particularly mentioned, as alſo the adjacent townſhips that were to furniſh the watchmen. The numbers alſo of theſe in the ſeveral poſts were fixed; and the principal gentlemen in the neighbourhood, or the

* Strype relates, that Northumberland, in a letter from the marches, adviſed that ſome new fortifications ſhould be made in Berwick, and that ſome unneceſſary expences there ſhould be retrenched. In anſwer to which, the king declared his approbation of the duke's opinion. Memor. vol. iii. p. 359, 360. In a minute of ſecretary Cecil, containing an account of the king's debts in 1552, one article is 6000 l. to Berwick. Haynes, p. 127.

The fort then erecting at Berwick was contrived to have four bulwarks; for making two of which the wall was to have been left open, on the enemies ſide, a great way together. But as this was both dangerous and expenſive, it was reſolved, that the wall ſhould be ſtrengthened by a rampart and two ſlaughter-houſes, to ſcour the outer curtains; and that a great ditch intervening, another wall fortified, in the ſame manner, ſhould be erected within the former. Edw. Journ. p. 59. It is afterwards obſerved in the ſame journal, that Sir Nicholas Sturley was appointed (Oct. 6.) captain of the new fort at Berwick, Alexander Brett porter, and one Rokeſby marſhal.

As to the works, no veſtiges of them now appearing, it is probable they were wholly effaced by the new fortifications made in the beginning of queen Elizabeth's reign.

† Lord Eure was deputy-warden of the eaſt marches, lord Ogle of the middle, and Sir Thomas Dacre of the weſt. Thus they appear in the meeting held at Newcaſtle 12th and 13th of Sept. in this year (Border Laws, p. 145.); but according to King Edward's Journal, the wardenſhip of the weſt-marches was given to Sir Richard Muſgrave, in the end of Auguſt; and Nov. 20, the lord Ogle leaving the wardenſhip of the middle-marches, was ſucceeded in that office by lord Eure, whoſe land lay there, and who had 600 merks for his fee, and Sir Thomas Dacres was made deputy-warden of the eaſt-marches, with the fee of 500 merks. Strype, in his memorials of Edward, p. 498. mentions three commiſſions of deputy-wardens, dated in December, that of deputy-warden of the eaſt-marches to Sir Nicholas Sturley, with the fee of 700 merks *per ann.* and for two deputies 10 l. *per ann.* the deputy-wardenſhip of the weſt-marches to lord Coniers, with the fee of 600 merks *per ann.* and that of the middle-marches to lord Ogle, with the fee of 500 merks; both having the ſame allowance for deputies, as in the wardenſhip of the eaſt-marches.

officers

officers and tenants of the king, were appointed overſeers, to ſet and ſearch theſe watches, and to report from time to time the ſtate of them to the deputy warden, whoſe reſidence was then at Alnwick. In the eaſtern march, where the extent of country and number of places to be watched, were much ſmaller than in the weſtern, and eſpecially than in the middle-march, the whole number of watchers by night, according to Wharton's eſtabliſhment, was two hundred and three, and that of the day watchers ſeventeen. But beſides theſe, every one of the townſhips was required to have a man to watch nightly for itſelf; and other towns omitted in the preſent regulation, were appointed to ſet their watch in places in their neighbourhood, where it ſeemed moſt neceſſary, as their bailiffs and conſtables ſhould determine. It was the buſineſs of theſe watchmen, on the approach of ſuſpected perſons, to give the alarm, by blowing a horn, or making a ſhout or outcry; and when the alarm was given, all men on horſe and foot were obliged to follow the fray with hue and cry upon pain of death. Thoſe who on ſuch occaſions ſeized the offenders, whether Engliſh or Scots, were to be rewarded according to their merits, by the warden-general, his deputy, or both. When goods were reſcued, and the thief not taken, the goods were immediately to be reſtored to the owners; and if they could not agree with the reſcuers about the price of reſcue, this was to be ſettled at the firſt inſtance, by the officers, bailiffs, or conſtables, of the towns from which the goods were ſtolen; whoſe judgment, if not acquieſced in, was ſubjected to the review of the neighbouring juſtices of peace. Thoſe who allowed an offender to eſcape, were to be impriſoned, and to ſuffer as felons. All perſons that came within the limits of the watch were to be examined, and, if known by the watchers to be good men, might be allowed to paſs; but if unknown, were to be brought before the bailiffs and conſtables; to whom, if they could not give a ſatisfying account of themſelves, they were to be ſent to the king's gaol, there to remain, until they were tried by the warden-general or his deputy, or by the juſtices of the peace in the country. Theſe watches were to begin on the 1ſt of October, and to continue to the 16th of March; power being left to the warden-general or his deputy, to vary theſe times, according to their diſcretion; and each night they were to be ſet at the departing of day-light in the evening, and to continue until its return in the morning; as the day-watches were to continue from day-break in the morning, until the evening twilight.

Mary, Q. of Scotland. 1552. Ib. p. 199. Border Laws, p. 144. 215. Ib. p. 214.

With the ſame views of promoting the ſecurity and good order of the marches, and of bringing offenders to juſtice, it was enacted at the ſame meeting, that no perſon ſhould harbour or aid any fugitive or malefactor of either nation; but that, on the contrary, all perſons ſhould give information of thieves or reſetters of theft, to the general or particular deputy-wardens, or to the ſheriff of the county, where the informers reſided. All practices with rebels, thieves, and murderers, were prohibited, and informations concerning practices of that kind which had been carried on, within a year before the preſent conſultation, were ordered to be given to the deputy-warden-general, within twenty days. The particular deputy-wardens were appointed within ſeven days, to deliver to the deputy-warden-general, an account of all deeds of

Border Laws, p. 144.

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of violence or injuſtice, committed againſt either Scots or Engliſh. Days of marches were appointed to be ſtrictly kept, and all the marchers to attend the deputy-wardens at theſe meetings. Officers, captains, and gentlemen, were enjoined, within twenty days after this conſultation, to be in their proper ſtations, or at their houſes, if any were now abſent from them; and alſo, to ſee their ſoldiers and tenants immediately provided with good horſes: and all perſons were prohibited to converſe with any Scotchman, unleſs by licence from the deputy-warden general, or particular wardens, within their own diſtricts.

But beſides the proviſion that was made for the peace and ſecurity of the marches, by the above deſcribed order and diſcipline, eſtabliſhed among their inhabitants, methods were alſo contrived to render the face of the country more defenſible, as well as more inacceſſible and unſafe to banditti and marauders. For this purpoſe, orders and commiſſions were ſent by the lord Wharton to proper perſons to ſtop and deſtroy fords * in rivers, and narrow paſſes by land; ſuch only being preſerved as appeared moſt neceſſary; and in this work, the inhabitants of the adjoining country were required every where to obey and aſſiſt. Another method deviſed for ſtrengthening, and at the ſame time for improving the country, was to incloſe, with hedges and ditches, all arable meadow or paſture grounds †; as the plundering banditti would be thereby incumbered in their career, and the labour of watching the country greatly leſſened. To direct the proper places, and other circumſtances of theſe encloſures, ſome of the moſt conſiderable gentlemen within the boundaries of the eaſtern and middle marches, in the ſeveral diſtricts where ſuch works were to be carried on, were put in commiſſion, and properly authorized, for executing their charge. From theſe commiſſions, and alſo from the appointment of watches, it appears that the country accounted at that time to be included in the eaſtern march, extended ſouthward to the river Alne near its mouth, to Hebburn on the Till, and to Langley Ford, ſituated at the foot of Cheviot, not far from the line dividing the two kingdoms.

Border Laws, p. 218.

Ib. p. 219, 220, 221.

Ib. p. 218. 222. 223. 227.

Such were the eſtabliſhments introduced or enforced in conſequence of Northumberland's ſurvey of the marches, and under his auſpices as warden-general. But the ſtate of the Engliſh marches at that time receiveth ſome additional illuſtration from certain propoſals made by Wharton, for further improving their order and ſecurity. For this purpoſe, he recommends a careful choice of officers; and the reſidence of theſe officers on their proper ſtations. With regard to the inhabitants, he propoſeth that they ſhall conſiſt, either of ſuch as were poſſeſſed of land ſufficient to maintain good horſes, which, at certain times, ſhould be muſtered; or of ſuch as ſhould be

Ib. p. 228, 229. &c.

* Beſides a great number of fords to be watched along the Till from Tweed to Hebburn, in its courſe through the bounds of Ford, Fenton, Doddington, Weetwood, Horton, Lyem, Chatton, and Chillingworth, there were thirty-nine fords to be dammed and ſtopt by the tenants of theſe townſhips; becauſe they were not able to watch them, and the ſtopping of them was thought practicable. Border Laws, p. 212.

† The ditches were appointed to be five quarters (forty-five inches) in breadth, and ſix quarters (fifty-four inches) in depth; and to be double ſet with quickwood, and hedged above three quarters high.

employed

employed in tilling and fencing the ground. What he propoſeth, in particular, with regard to the eaſt marches, is, that either Ettal or Ford ſhould be repaired; and that the reſidence of the deputy-warden of the eaſt-marches ſhould be at Ettal *. He obſerves, that Berwick, Norham, and Wark, being the king's, and in time of war able to receive horſemen, might be of great ſervice. He propoſes alſo, that there ſhould be a good body of horſemen in the fortreſs of Wark and lordſhip of that place; or that a fortreſs provided with horſemen ſhould be erected in ſome proper ſituation, between Wark and Cheviot; and obſerves, that by the means of theſe fortreſſes, and a proper diſpoſal of farms, to ſuch as ſhould keep good horſes, that march, which was accounted the weakeſt, would become ſtrong. The caſtle of Norham, with the adjacent lands which had belonged to the biſhop of Durham, had now become the king's †: and this with ſome other inſtances of the like nature, Wharton propoſes as an example to be followed with reſpect to other fortreſſes, ſituated on the extreme parts of the marches. The memorial, containing the above propoſals, concludes with a moſt equitable one; that the ſovereign authority of both kingdoms ſhould be exerted to compel officers and miniſters to make redreſs as they were bound to do by the treaty, without colour or

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* Ytall was, at that time, the king's; and Ford belonged to the daughter and heir of Heron, whom Thomas Carr had married. Border Laws, p. 231.

† Or was about to become ſo; for Wharton's expreſſion is ambiguous. Norham muſt have fallen into the king's hands, on the deprivation of Cuthbert Tunſtal biſhop of Durham, which happened Oct. 11th of this year. The ſimilar inſtances given are thoſe of Harbottle, which had been the inheritance of lord Taylbuſh, and was now become the king's; and Bewcaſtle, which was Middleton's, but is ſaid, now alſo to be the king's. Border Laws, p. 231.

Wharton farther recommends a warden-general, for the chief adminiſtration of all border affairs, and Hexham for the place of his reſidence. He obſerves, that the weſtern march was ſo ſtrong in fortreſſes and inhabitants, as to be greatly an overmatch for the adjacent countries of Scotland; and that the middle marches had ſo much natural ſtrength from the mountainous and barren country between them and Scotland, that, with a moderate degree of attention in the officers, and of diſcipline amongſt the inhabitants, they had little cauſe to dread the inroads of their neighbours. He propoſeth the caſtle of Harbottle as a convenient reſidence for the deputy-warden of the middle-marches, eſpecially in winter, and that it ſhould be repaired for that purpoſe.

It may not be improper here to obſerve, that, beſides the other methods of eſtabliſhing good order among the inhabitants of the north, care was taken to inſtruct them in religion. For this purpoſe, two of the king's chaplains were employed as itinerary preachers; one of whom was the famous Scottiſh reformer John Knox, who, upon his eſcape from his captivity in France, (to which kingdom he was carried over a priſoner with the reſt of the garriſon of the caſtle of St. Andrews,) fled for refuge into England, in the winter 1547-48, and was ſent by archbiſhop Cranmer, or the duke of Somerſet, to preach at Berwick, and was afterwards, according to his own account, a preacher at Newcaſtle, remaining in each place two years. Strype, with ſome probability, thinks him one of the ſix chaplains of the king, eſtabliſhed in the end of 1551, four of whom were employed as miſſionaries in different parts of England; one of their diſtricts being the marches towards Scotland. It is certain, that he gave great offence to the friends of the old religion, by a ſermon preached againſt their obſtinacy at Newcaſtle, on Chriſtmas 1552. An annuity of 40l. was allowed him by the government for preaching in the north. Some months before Edward's death, he went to the ſouthern parts of England and preached ſometimes at court. Knox's Hiſt. Ref. p. 85. 289. Strype's Mem. vol. ii. p. 235. 388. 533. Edw. Journ. p. 42.

From a letter of the duke of Northumberland, dated Nov. 23, 1552. It appears, that the duke deſired to have Knox removed from Newcaſtle, on account of the reſort of Scotchmen to him in that place.

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delay; ſuch conduct being alike honourable to themſelves and beneficial to their country.

1552. Holingſhed's Sc. Chr. p. 355. Leſly.

Whilſt this care was beſtowed on the marches of England, thoſe of Scotland were not wholly neglected. For the governor, after having, in company with the queen-dowager, made a progreſs in the ſummer for adminiſtration of juſtice into the north and weſt parts of the kingdom, came in the autumn to Jedburgh, attended by ſeveral of the nobility. His view in this journey was to reduce to order the banditti on the eaſtern marches, who had lately committed great exceſſes in driving booties of cattle from their neighbours in England. The officers of the marches, who had connived at theſe offenders, he removed from their places; and obliged the families of that diſtrict to put into his hands ſome of their number as pledges for their future good behaviour. He alſo conferred, at that time, upon ſeveral gentlemen of the country, the order of knighthood (*a*), as the reward of paſt, or incitement to future honourable conduct. But ſoon after, the inteſtine peace of the borders was diſturbed by a murder committed in Edinburgh, on the perſon of Scot of Buccleugh, one of the knights lately created, by his enemies the Kers. The latter were in league with the Homes; and ſo formidable was this conjunction, that the governor ſummoned an army to go againſt them. But by the favour of the queen-dowager and of the French faction to theſe two families, an expedient was uſed to ſave them from the danger that threatened them. This was to ſend over five hundred light horſemen, commanded by the Homes and Kers, to the ſervice of the French king, who had for ſome time paſt been engaged in war with the Emperor: and a body of five thouſand foot accompanied them under the earl of Caſſils.

(*a*) The chief of theſe were, the lairds of Ceſsford, Farniherſt, Littledean, Coldenknows, Greenhead, and Buccleugh. Edw. Jour p. 65. Holingſhed's Sc. Chr. p. 356. Haynes, p. 140.

A. D. 1553. July 6. Mary, Q. of England.

The following ſummer was a very unfortunate one to England, by the loſs of its admirable young monarch Edward VI. and the ſucceſſion of his ſiſter Mary; who was no leſs the oppoſite of her brother in religion, than in moſt of his amiable qualities. The event of Edward's death, ſo much deſired by the duke of Northumberland, as a foundation for eſtabliſhing an unbounded authority in himſelf, by the advancement of his daughter-in-law, lady Jane Gray, to the throne, proved the mean of precipitating him from his immoderate greatneſs into utter ruin. Along with his other ſchemes, fell that of aggrandizing himſelf in the north, on the ruins of the Percy family, and the ſuppreſſion of the biſhoprick of Durham*: the Palatine dignity and power of which dioceſe, had been granted to him in May, as he had before obtained grants of many valuable lands and lordſhips in the counties of Durham and Northumberland †.

Strype, Mem. vol. ii. p. 396. 401. 422. 429. vol. iii. p. 28.

The

* The biſhopric of Durham was diſſolved by an act of parliament paſſed in the ſpring of this year. The ſame act gave the king power of erecting by letters patent two new biſhopricks, one at Durham, the other at Newcaſtle, in the room of the ſuppreſſed one. (Parl. Hiſt. vol. iii. p. 269.) Northumberland, after this act, or perhaps after Tunſtall's deprivation in the preceding October, had taken poſſeſſion of Durham houſe; for there the marriage of his fourth ſon lord Guilford Dudley with lady Jane Gray, together with the marriages of lady Jane's two ſiſters, and of Northumberland's daughter, were celebrated on the 21ſt of May.

† He was alſo made ſteward of all the honours, caſtles, lordſhips, and lands, in the counties of Northum-

The bigotry and pride of Mary, engaged her, immediately after mounting the throne, in the work, of reſtoring by cruel and arbitrary meaſures, the Romiſh ſuperſtition. This reſolution, together with the project of marrying her couſin Philip of Spain, which ſoon became known, excited grievous diſcontents in the greateſt part of the nation; and made it highly expedient for her to cultivate peace with Scotland. Several exceſſes had been lately committed by her ſubjects againſt their Scottiſh neighbours, which were repreſented by Roſs herald *, ſent on purpoſe to England by the Scottiſh regency, to Noailles the French ambaſſador then reſiding at London. This ambaſſador was requeſted to explain theſe matters to the queen and miniſtry of England, and to ſolicit an appointment of commiſſioners from England, to meet with others from Scotland, in order to ſettle, in the uſual manner, the points in diſpute. His ſolicitations appear to have been readily hearkened to. For, in the beginning of November, commiſſioners nominated by the queens of each nation, met at Berwick †. In the indenture of treaty ſubſcribed by theſe commiſſioners, on the fourth of the following month, ſeveral things are contained that tend to illuſtrate the police of the borders, and by which this police ſeems to have received ſome improvements.

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Keith's App.

Nov. 6. Border-Laws, p. 71,—83.

It being found, that, through neglect or default of the officers, a great number of treſpaſſes committed within the eaſt and middle marches of both realms ſtill remained unredreſſed, it was agreed and ordered, that the wardens ſhould hold their meetings ‡, in places accuſtomed and convenient for mutual and ſpeedy adminiſtration of juſtice. And for carrying on this neceſſary work with greater diſpatch, a new method of proceeding was deviſed: perſons aggrieved were to deliver bills of their complaints to the wardens of the march where they dwelt. By the warden, theſe complaints were to be inrolled; and the rolls to be tranſmitted to the oppoſite warden, in whoſe diſtrict the perſon complained of reſided. The warden laſt named, was, upon this information, to make the moſt exact inquiry he could into the truth of the charge; and to cauſe the perſons accuſed to be arreſted by his ſerjeant and brought before him, to anſwer for their conduct. If they were not immediately to be found, they were to be arreſted, to make anſwer at the next march-meeting, where the

Northumberland, Weſtmoreland, and York, or any other where in the biſhoprick of Durham, for life. This grant was dated in April 1553. Strype, vol. iii. p. 482. 507.

He had likewiſe procured a gift of the town of Alnwick, &c. dated in Dec. 1551. Strype, p. 499.

* The inſtructions to the herald, to be ſhewn to Noailles, are in Keith's Appendix, p. 68. publiſhed from the records of the Scottiſh privy council. They have not, as there publiſhed, any date. But it appears from an article in them, that they were drawn up after the 24th of Auguſt.

In the minutes of the Engliſh privy council, in the beginning of Mary's reign, mention is made of a letter to Richard Norton eſq; captain of Berwick, with inſtructions to ſuffer the French king's ſubjects to paſs undiſturbed into England; but if the Scottiſh queen, or any of her officers, ſhould require him to allow any Scot to paſs without ſafe-conduct or paſs-port, that he ſhould by no means do it, but yet ſhould give gentle words, excuſing his compliance by his being an inferior officer. Haynes, p. 183.

† The Engliſh commiſſioners were, Sir Thomas Cornwallis, and Sir Robert Bowes; and thoſe from Scotland, Sir Robert Carnegy of Kinnaird, and Sir John Bellenden of Auchnowl. Keith.

The accounts of this treaty in Holingſhed, Leſly, and Keith, are very imperfect.

‡ Days of Trewes.

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warden and aſſize adjoined to him, conſiſting of ſix choſen by himſelf, and ſix nominated by the party plaintiff, ſhould either ſuſtain the bills of complaints *, or give ſome other lawful return, according to the laws and cuſtoms of the marches. And where, by any of the wardens, bills of complaints had been, or ſhould be ſuſtained, and yet no ſecurity or compenſation given, for the redreſs of the injury complained of, this defect was to be ſupplied at the next march-meeting, by the delivery of a perſon whom the warden ſhould engage to be a ſufficient pledge, who ſhould remain with the party injured until the injury was fully redreſſed. In this manner of proceeding †, either warden, was, agreeably to an ancient regulation of the marches, to diſcuſs in alternate order a like number of bills of complaints, as long as both parties had ſuch bills to produce; but if there ſhould be a greater number of bills in one ſide than on the other, the ſurplus of bills on either ſide was alſo to be diſcuſſed, in the manner above explained. It not being intended, however, by the method of proceeding now adopted, to abrogate or alter the ancient laws and cuſtoms of trial in the march courts, the commiſſioners declared, that the order at preſent made by them for ſuſtaining or rejecting bills of complaints upon the honour of the warden, was only meant to extend to offences committed ſince the ratification of the laſt peace, and before the date of the preſent treaty. And it was alſo provided, that in caſe the plaintiff found himſelf aggrieved by the warden's rejecting his bill, through defect of evidence, he might afterwards proſecute his complaint, and ſeek juſtice from the ſame warden, or any other ſucceeding him in office; and that on this ſecond complaint, his cauſe ſhould be tried by an aſſize and lawful proof, according to the ancient laws and cuſtoms of the borders; notwithſtanding his bill had been once rejected by a warden upon his honour.

Some ſeizures of ſheep and other cattle ‡, belonging to Scotchmen, having been lately made by certain Engliſhmen, on pretence of their being found on Engliſh ground, and the matter being examined by the commiſſioners, the Engliſhmen were found to be in the wrong; wherefore, the wardens of the middle and eaſt marches were ordered to cauſe the ſheep, or the juſt value of them at the time they were taken, to be reſtored to their owners before the next Candlemas; and two arbitrators of each nation were appointed to adjuſt

* This was called *filing* the bills, or finding them *foul*. See Nicholſon's Border-Laws, p. 73, 74.

† The warden proceeding in this manner, was ſaid to *ſpeir, file, and deliver, upon honour*. To ſpeir, ſignifies to inquire.

‡ Cuthbert Muſgrave, captain of Harbottle caſtle, John Hall, and certain accomplices, had ſeized ſheep and other cattle belonging to George Ker of Gateſhaw, in Tiviotdale, Richard Davidſon, and others; and Thomas Clavering, with other ſervants of Mr. Ralph Grey of Chillingham, warden-depute, had taken away ſheep, the property of other Scotchmen. Border Laws, p. 75.

The inſtructions for Roſs herald ſay, that Cuthbert Muſgrave, in the month of July laſt, came with five hundred Engliſhmen, at ten o'clock forenoon, to the lands of Yetholm, and Kirk Yetholm in Scotland, and ſeized and carried off three thouſand five hundred ſheep, and five hundred nolt, whereof Grey the deputy-warden refuſed to make redreſs; alleging, they had acted by order of lord Wharton, warden-depute of all the marches, under the duke of Northumberland. Keith.

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any controverſies that might ariſe about the difference of the preſent value of the goods, from their values when ſeized †. A new order was alſo made for preventing treſpaſſes by the inhabitants of either realm on the adjoining grounds of the other. When ſuch treſpaſſes were knowingly and habitually committed, the owner of the ground on which they were committed, or in his default the warden of the marches where the ground lay, was impowered to cauſe the cattle to be ſeized and impounded. The price to be paid for their ranſom was a penny ſterling for every head of black cattle, and a penny Scots for every ſheep. On every new offence the penalty was to be doubled, until it aroſe to two ſhillings ſterling for every nolt, and to ſix pence ſterling for every ſheep ‡; when it had ariſen to this higheſt rate, it was to continue at it, for offences committed during the remainder of the current year. But on the commencement of the year following, beginning at the loweſt rates before-mentioned, it was, for repeated offences, to be carried up to the higheſt; and ſo in ſucceſſion from year to year; it being hoped, that ſuch heavy penalties would effectually oblige offenders to keep their cattle within the bounds of their own realm.

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In the ſequel of the treaty, deciſions are given in controverſies relating to certain fiſhings on the Tweed; and a method eſtabliſhed for ſecuring the proprietors of ſuch fiſhings, on either ſide, againſt impediment or diſturbance in their poſſeſſion of them, from thoſe on the other. Richard Bowes, captain of Norham, had availed himſelf of the ſituation and force of his caſtle, to ſeize a fiſhing, on the Scottiſh ſide of the river, that belonged to lord Home *; which Bowes continued to hold ſince the concluſion of the peace. But he was now ordered to reſtore it, and to pay to lord Home a ſum judged equal to the produce of it during his violent poſſeſſion. The prioreſs of the convent of Coldſtream had alſo confirmed to her, the poſſeſſion of a fiſhing on the Engliſh ſide of Tweed, which was claimed by the Engliſh proprietor

† Lord Eure was then warden of the middle marches; and the arbitrators, or compoſitors (as they are called in the treaty), were, Sir John Forſter knight, and Robert Colinwood Engliſhmen; and Sir Walter Ker of Ceſſford, and Sir John Home of Coldenknows, Scotchmen.

‡ Hence it appears, that, at that time, Engliſh money was in value to Scottiſh as four to one. The ſame with Patten's proportion mentioned in a former note. But ſucceſſive doublings of the fines from a penny upwards do not at any ſtep amount to twenty-four pence; 1, 2, 4, 8, 16, 32.

* The name of the fiſhing was *Haly-well*, which name it ſtill retains. It lies along the ſide of the green plain, where the nobles of Scotland ſwore fealty to Edward I. Bowes was ordered to pay to lord Home, for the profits of it received by him ſince the peace, 33 l. 6 s. 8 d. It appears from the above-quoted inſtructions to Roſs herald, that the fiſhing of Haly-well had been actually reſtored to lord Home on the 23d of June 1551, and had been peaceably poſſeſſed by him for eight days; but that then the captain of Norham had driven his fiſhermen from it, by ſhooting at them from the caſtle. In caſe the Engliſh miniſters ſhould allege that this fiſhing had, in conſequence of its vicinity to the caſtle wall, been always fiſhed by the captains of Norham, even in time of peace, theſe captains only paying a rent or mail for it in ſilver to lord Home. The French ambaſſador was inſtructed to reply, that the lords of Home had always been in uſe, in times of peace, to fiſh it by their ſervants, and to carry away the fiſh; that the only inſtance of its being let to the captain of Norham, was by the late lord Home, and that for a ſingle year: and it was farther affirmed, that ſuch holdings in leaſe the poſſeſſions in the one kingdom by the ſubjects of the other, was contrary to the laws of the realm.

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of the adjacent ground †. To theſe particular deciſions a general order was added, declaring it to be lawful for any perſon diſturbed in the poſſeſſion of his fiſhing, by any ſubject of the oppoſite kingdom, to complain to the warden of the marches where the offender dwelt. On receiving this complaint, the warden was to oblige the perſon complained of to appear at the next march-meeting; where, if the offence was proved, the offender was to pay twenty ſhillings for every tide wherein he had obſtructed the plaintiff's fiſhing; and to be delivered to him as his priſoner, to be detained with him until the fine ſhould be paid ‡.

The manner of proceeding eſtabliſhed by treaties of peace, for bringing to puniſhment the perpetrators of murder or ſlaughter, was appointed to be ſtrictly obſerved; the negligence of officers in that reſpect having been the occaſion of grievous enormities. In caſes where hurts or wounds were received, complaints were to be made, and the offenders to be arreſted, in order to their appearance at the march-meetings, as in caſes of theft, robbery, or ſpoil; and the trial was to proceed in the ſame manner, until the bills of complaint were either ſuſtained or rejected. The damages were to be eſtimated by the wardens, aſſiſted by ſix gentlemen of good repute of each nation; thoſe of the one nation being named by the warden of the other. The offender was to be charged with two doubles of this eſtimate, as in caſes of theft and ſpoil *; and the deliverance of the offender, or of a ſufficient pledge, was to be made to the warden of the march where the party aggrieved dwelt, there to remain until the appointed redreſs was made. In caſes where the wounds had produced maim or mutilation, the warden to whoſe diſtrict the offender belonged, was to do his utmoſt diligence to apprehend him, and to deliver him to the warden of the other ſide, to be puniſhed by ſtrait impriſonment for ſix months. Wilful fire-raiſers were alſo to pay damages, according to the rate laſt-mentioned §, and to undergo the ſame impriſonment.

The quiet of the march-meetings being often diſturbed, and their buſineſs interrupted, by mutual accuſations and brawlings ‖, it was agreed, that no

† This was John Selby of Twizel. This fiſhing was called Tillmouth-haugh fiſhing; which, after proofs and examination before the commiſſioners, they ordered that the prioreſs of Coldſtream, &c. ſhould peaceably uſe, poſſeſs, and enjoy, as a Scotch fiſhing.

‡ There is another complaint in the inſtructions to Roſs herald which is not mentioned in this treaty. This is againſt the captain of Wark; who, on the 24th of Auguſt laſt, being a day of truce, or march-day, held at the accuſtomed place of Redden-Burn, had come, with more than one hundred and twenty men, to the lands of Haldane within Scotland, not half a mile from the place of meeting, and there ſlain Patrick Jameſon and John Davidſon, Scotchmen: from which there was danger of great diſorder ariſing, the ſlaughter being committed only two hours before the meeting of the wardens; who, as uſual, had conſiderable numbers in their ſeveral companies; and in particular, in the company of the Scottiſh warden, were the whole kindred and friends of the ſlain. Keith's App. p. 68.

* *And the damage being ſo ſet, and eſteemed to be two doubles, as in caſe of theft and ſpoil is uſed.* Border Laws, p. 80.

§ This rate is however differently expreſſed. It is called a *Double* and *Sawſey*; and it is immediately added, according to the laws and cuſtoms now uſed in the borders of both realms. Border Laws, p. 81.

‖ The words in the treaty are, *baughling* and *reproving*.

ſuch

ſuch accuſations or ſpeeches tending to ſtrife ſhould be uttered, without licenſe of the wardens of both realms; and any offender in this way was to be ſeized by the warden of his own march, and delivered to the oppoſite warden, to undergo a month's impriſonment. He was alſo to loſe his cauſe, and the perſon whom he attacked to be acquitted for ever from the charge brought againſt him. As a grievous obſtruction to the diſcovery of crimes, and due execution of juſtice, aroſe from the frequency of perjury in the border-courts, it was enacted, that any perſon who acquitted himſelf by oath before the wardens, or their deputies, and was afterwards proved guilty and convicted of ſwearing falſely, ſhould, beſides making due reparation to the party aggrieved, be delivered to the warden of the oppoſite march, to undergo ſtrait impriſonment for three months, after which he was publickly to be proclaimed at the next march-meeting a perjured man, and thenceforth not admitted to give faith or teſtimony in any cauſe. A remedy was alſo provided for the injury done, by any perſon ſwearing falſely, concerning the number or value of the goods. In caſes where an over-charge of this kind was evident and exceſſive, the wardens, or their deputies, were impowered, without delay, in conjunction with twelve men of the beſt note and credit preſent, whereof ſix of either nation were to be choſen by the warden of the other, to make ſuch abatements from the numbers or value of the goods or cattle in queſtion, as ſhould to them appear equitable.

Mary, Q. of Scotland. 1553.

In the following ſummer, the queen of England was married to Philip of Spain; and on that occaſion the queen-dowager of Scotland (who had, in place of Arran, created by the king of France duke of Chatelherault, been advanced to the regency of that kingdom, in the ſpring before) ſent a congratulatory embaſſy to the Engliſh court *. The ambaſſadors were charged to demand a confirmation or renewal of the treaty between the nations; and that commiſſioners ſhould be appointed in the following year, to ſettle controverſies on the borders. It doth not however appear, that any ſuch meeting of commiſſioners was held until the ſummer 1556. But in the interval, the attention of the queen-regent to ſtrengthen the frontiers, appears from a reſolution of a numerous council held in January 1555, to build a fort beſide Kelſo; for which a tax of 20,000 l. was immediately to be raiſed, one-half to be paid by the ſpiritual eſtate, and the other by the temporal. Yet, it doth not appear, that this decree was executed; nor is it known what hindered its taking effect. In the latter part of ſummer of the following year, while the queen-regent was making a progreſs, commiſſioners from both realms met at

A. D. 1554. July 25.

Hol. Sc. Chr. p. 398.

Keith's App. p. 702.

A. D. 1556. Hol. Sc. Chr. p. 359.

* A little before the marriage of the queen of England with Philip, the queen-dowager of Scotland made a progreſs to the eaſt-marches, to hold juſtice-courts for puniſhing malefactors, and to compoſe differences among the turbulent chieftains. This progreſs, made at ſo critical a time, gave ſome alarm to the Engliſh court. The lord Coniers, who had the command on the oppoſite marches of England, ſent advertiſement of it by letters from Berwick, to the earl of Shrewſbury, lord preſident of the north, and lord-lieutenant of the Engliſh borders, requeſting him to provide for his aid, in caſe of a ſudden attack. Strype's Mem. vol. iii. p. 136.

Mary, Q. of England.

1556.

Dunſe †, and ſpent a conſiderable time there. No particulars of the tranſactions of that meeting have been tranſmitted to us; and it is probable they were not of great or general importance. The queen-regent of Scotland had, in a parliament held in the beginning of this ſummer, made a propoſal relating to the defence of the borders, that gave a great alarm to the landed men in that kingdom. Inſtead of the accuſtomed attendance and ſervice of themſelves and dependents, for the defence of their country, the queen propoſed a tax to be laid on their eſtates, and that the money thereby raiſed, ſhould be employed in paying a body of mercenaries, to be ſtationed on the borders, or ſent thither as emergencies ſhould require. A great body of the lower barons having aſſembled at Edinburgh, remonſtrated againſt this innovation, as dangerous to their liberty, and intolerable to their poverty: and though ſome of the principal lords had been gained by the court to conſent to it, the oppoſition of the reſt of the nobility, and all the gentry, appeared ſo determined, that the queen found it neceſſary to abandon the project.

Hol. ib. p. 359. Keith, p. 70.

A. D. 1557. In the beginning of the following year, the proud and turbulent ſpirit of Pope Julius III. rekindled the war between France and Spain; which, by a truce, had been ſuſpended for ſeveral months. Philip, who, by the reſignation of his father the Emperor, had been king of Spain ſince the end of 1555, after being abſent from his queen above eighteen months, came over in March to England, in order to engage that nation in a war with France. The queen, who returned the averſion and neglect of her huſband by the moſt extravagant fondneſs, did, in order to gratify him, obtain, with the utmoſt difficulty, the conſent of her council to declare war againſt France, in the month of June. But a war with France naturally led to a war with Scotland; and this conſequence was never more to be apprehended than now, when the adminiſtration in Scotland was wholly French, and the young queen in perſon reſiding at the French court. To prevent or retard this rupture, Mary had ſolicited, by her ambaſſadors in Scotland, a meeting of commiſſioners on the borders, for ſettling all matters in diſpute between the kingdoms; and, not many days before the declaration of war againſt France, a commiſſion for that effect was

Carte, vol. iii.

May 25. Rym. vol. xv. p. 464.

† The commiſſioners were, Tunſtall biſhop of Durham, and others, from England. Thoſe from Scotland were, the biſhop of Dumblane, Richard Maitland of Lethington, and James Macgill clerk of Regiſter.

It appears from ſeveral ſmall particulars recorded by Strype in memorials of queen Mary, c. 38. that the marches were in a turbulent ſtate this year. He mentions two meetings at Redding-burn, one on Thurſday 12th of May, the other on Sunday the 28th of June. At the latter was a great company on both ſides, but the Engliſh were the greater, being above two thouſand perſons. How ſlowly and irregularly juſtice had been adminiſtered, appears from the Engliſh having at that time a thouſand bills of *attemptats* (this was the common name for treſpaſſes) againſt the Scots in one of the marches. In order to hear and diſcuſs mutual complaints, they agreed to meet one day in the church of Norham, and another in the Lady church over againſt it in Scotland. The earl of Bothwell was the principal perſon on the ſide of Scotland, at the firſt-mentioned of the meetings at Redding-burn; and acted in quality of Lieutenant of the Scottiſh marches in an expedition againſt the Armſtrongs on the weſt border, where he was accompanied by the laird of Drumlanrig the warden of that march. The banditti had the advantage in two rencounters.

granted

granted by her to the earl of Weſtmoreland, the biſhop of Durham *, the chancellor of Durham dioceſe, and a maſter of chancery, to meet, with ſuch as the regency of Scotland ſhould authorize to treat with them. By this commiſſion, beſides the uſual articles included in ſuch commiſſions, power was given to negociate the fixing of certain limits between the two nations, in whatever places theſe limits were controverted; particularly on the place commonly called Hadden Rigg. Mary, Q. of Scotland. 1557.

The Scottiſh court had ſent commiſſioners to meet with thoſe from England, at Carliſle †: but while the commiſſioners remained ſitting there, the queen-regent, in compliance with the earneſt ſolicitations of the French court, propoſed to an aſſembly of the nobles, which ſhe had convened at Newbottle, an immediate declaration of war againſt England. To excite them to this, ſhe inſiſted on certain outrages committed of late by Engliſhmen on the borders, for which redreſs was refuſed; which might not only be revenged and repaired by entering into an open war, but a ſeaſonable aid thereby given to their ancient ally. But the nobles being convinced that the regent's ſole object in this meaſure was to ſerve the intereſts of France, declined giving their conſent to it for the preſent ‡. To impel them to agree to it, the expedient was fallen upon of ſending D'Oyſel, the French king's lieutenant in Scotland, with a body of ſoldiers of that nation, to Eyemouth, to rebuild the fortreſs there, which had been firſt erected and poſſeſſed by the Engliſh in the late war, and demoliſhed in purſuance of the treaty by which that war was terminated; and in which it was expreſsly ſtipulated, that this fortreſs ſhould never be rebuilt by either of the nations. As the reſtoring of this fort was a plain violation of the treaty, and its vicinity to Berwick alarming to the Engliſh, the Berwick garriſon ſoon endeavoured, by their attacks, to diſturb the progreſs of the work. Theſe attacks D'Oyſel repelled, and mutual incurſions followed on the adjacent border. By this means the regent obtained her end of procuring the conſent of the nobility to raiſe an army; which now appeared abſolutely neceſſary for the defence of their country. Leſly, p. 529, 530.

The commiſſioners being recalled from Carliſle, a herald was ſent to proclaim war againſt the queen of England, if ſhe did not withdraw the troops ſent over to the aid of her huſband Philip. The earl of Huntley was made lord-lieutenant of the Scottiſh marches; and having come to Dunſe, incurſions were made under his direction into England. Two of theſe inroads were more conſiderable than the reſt. In the firſt were preſent, the lord James, afterwards earl of Murray, and the lord Robert, two of the late king of Scotland's natural ſons, the lord Home warden of the eaſt-marches, and ſeveral other Ib. p. 530. Auguſt 5. Strype, vol. iii. p. 265, 266. 427.

* Robert Hanmer, LL. D. and chancellor of the biſhoprick of Durham, and Thomas Martin, LL. D. one of the maſters of the court of chancery.

† The Scottiſh commiſſioners were, Robert Reed biſhop of Orkney, Henry Sinclair dean of Glaſgow, and Sir Robert Carnegy, ſenators of the college of juſtice, and the lord Herries warden at that time of the weſt-borders. Leſly, p. 529.

‡ This backwardneſs of the nobles, probably produced orders to the Scottiſh commiſſioners at Carliſle, which made them appear, towards the end of the conferences there, deſirous of a peace. Weſtmoreland's letters to Shrewſbury, in Strype, p. 423.

Mary, Q. of England.

1557. July 31. nobles. Theſe noblemen, with a conſiderable force, and ſome ordnance, entered Northumberland, by the dry march between Wark and Cheviot; intending to take the caſtle of Ford and deſtroy the ten towns of Glendale: But Henry Percy, brother to the earl of Northumberland, having ſome days before arrived at Alnwick, and collected with great diligence the forces of the county, which he diſpoſed in the moſt proper places for its defence, and being alſo reinforced from the garriſon of Berwick, the Scots, diſcouraged by the appearance of ſo powerful a reſiſtance, retired to their own country, after having done very inconſiderable hurt to that of their enemies. Percy hung over their retreat with his light-horſemen, and entering the Mers, deſtroyed ſixteen villages, and carried off a conſiderable booty of cattle ‡, together with ſome priſoners, which he and his company conveyed ſafely to Berwick; three hundred foot-

Auguſt 13. men being ſent from that garriſon to meet them. A ſecond great incurſion of the Scots was made eight days after the firſt. In this, Huntley the lord-lieutenant was preſent in perſon, having in his company ſeveral of the Scottiſh nobles and the French general D'Oyſel, with a numerous body of troops, both Scots and French. Theſe forces entered England near Berwick; at which place the earl of Northumberland, warden of the eaſt and middle marches, had arrived the night before *, together with Sir Thomas Wharton, who

‡ Percy, in his letter to the earl of Shrewſbury lord-lieutenant of the marches and preſident of the council of York, calls them, two hundred and eighty neat, one thouſand ſheep, beſides many horſes. Strype's App. of Originals.

Rym. vol. xv. p. 462. Strype, vol. iii. p. 478.

* Thomas Percy, ſon of Sir Thomas Percy and nephew of the laſt earl, had been reſtored to the earldom of Northumberland on the firſt of the preceding May. On the 9th of Auguſt a commiſſion was given him to be warden of the middle and eaſt march; to which latter command was annexed, the captaincy of Berwick upon Tweed. Rymer, ib. p. 472. He had received, ſix days before, a commiſſion to be warden of the eaſt marches and captain of Berwick; wherein the lord Wharton was joined with him, and powers given them to act either conjunctly or apart. Rymer, ib. p. 468. The two commiſſions to the earl of Northumberland, appoint him warden-general of the marches of the kingdom of England towards Scotland, viz. in the parts of the middle march and queen's dominions of Scotland, and keeper of Tynſdale and Ridſdale; alſo lord warden, &c. in the parts of the eaſt march and queen's dominion of Scotland, and captain of Berwick upon Tweed. The powers granted to him in theſe offices, are the ſame as belonged to them in the times of Richard II. Henry IV. Henry V. Henry VI. Edward IV. Richard III. Henry VII. Henry VIII. and Edward VI. late kings of England. He had, in both commiſſions, power given him to reſcue, defend, and ſave the town and caſtle of Berwick, in the parts of Scotland, in caſe of any ſiege laid againſt the town or caſtle by the Scots, or any other of the queen's enemies; and for that purpoſe, to lead the men of either march, properly arrayed, to the reſcue, defence, and ſafe-keeping, of the ſaid town and caſtle, ſo often as in danger from the incurſions and ſiege of enemies. He was alſo impowered to nominate and depute under him, for each march, two deputies, or ſubſtitutes, and alſo two other officers, under him, called wardens ſerjeants, together with all other neceſſary officers and ſervants wont to be employed by the wardens of either march. He had alſo granted to him, for his annual fee and wages, as warden of the middle march 500 merks, and as warden of the eaſt march, and captain of the town and caſtle of Berwick, 700 merks; beſides which, each of his deputies, in both marches, had an annual ſalary of 10 l. and each of his ſerjeants forty ſhillings; all payable half-yearly, at the terms of Chriſtmas and Midſummer. Rymer, vol. xv. p. 472—477. There is alſo a power in theſe commiſſions of concluding truces, from week to week, and ſuch as are mentioned before.

It appears however from originals in Strype, that lord Wharton acted *alone* at this time, as captain of the town and caſtle of Berwick (App. p. 267). The ſame compiler gives an account of a letter

who had the command of a body of horſe and foot, ſent from the interior parts of the kingdom, to be employed in defence of the town of Berwick and adjacent country; part of which forces had arrived with Northumberland and Wharton, and part of them were on their march. In theſe circumſtances, it was thought proper to ſend out from Berwick Henry Percy, with other gentlemen, and a body of horſe, to give what annoyance they could to the invaders. But the Scots being greatly ſuperior in ſtrength, the Engliſh loſt about an hundred horſemen, making priſoners about twenty of the enemy. Huntly in this inroad burnt ſeveral towns and villages, and carried off a great booty. After his return, both the Scottiſh and French forces lay for ſome time upon the borders, at the diſtance of not many miles from Berwick.

Mary, Q. of Scotland. 1557.

Leſly, p. 530.

In the month of October a numerous army aſſembled at Edinburgh; and, under the command of the duke of Chatelherault, marched to Kelſo. The queen accompanied the army, and fixed her quarters in its neighbourhood, in the caſtle of Home †. The army croſſed the Tweed but ſtopped ſhort, and encamped juſt on the other ſide of it, at a village called Maxwell-Heugh. Nor could the Scottiſh nobles be induced, by all the arguments and intreaties of the queen, to paſs the boundary of the two kingdoms, from which they were only two or three computed miles diſtant. As the quarrel was entirely French, they inſiſted, that this and the minority of their queen were good reaſons for not advancing farther. D'Oyſel, eager to gratify the queen, and to ſerve the intereſts of France, employed ſome bands of his countrymen in conveying certain pieces of artillery over the Tweed, in order to beſiege the caſtle of Wark ‡. Some few alſo of the Scots, who were more inclined than the reſt to gratify the regent, aſſiſted the Frenchmen in this enterpriſe. But

Knox, p. 93.

Buchan. l. 16.

letter from Wharton to Shrewſbury in the beginning of June, wherein affairs at Berwick are repreſented as in a very bad ſituation. Five hundred men had been ordered for ſtrengthening the garriſon; but neceſſaries were wanting for them, and for five hundred more that were to be employed on the works. There was a dearth of victuals, the old garriſon was not paid for their half-year, which ended on the 14th of the preceding February, nor for any part of the current year; except what was advanced by Giles Heron late treaſurer, who, together with Robert Barrow mayor of the town, had been killed in a fray at Ford in the beginning of April (Ib. p. 418). No treaſurer had been ſince appointed, nor was it known when the ſoldiers ſhould be paid: nor were the inhabitants of the town, who were victuallers, able to provide for the ſoldiers and workmen without ready money; and the victuallers and purveyors complained for want of a pay called *Gower's pay*; and on that account they grudged to take men to board upon credit. Strype, p. 422.

† Part of the proviſion laid in for her there, was forty tons of wine. Strype, vol. iii. p. 434.

‡ The account of this tranſaction, as it was given by the duke of Chatelherault to Sir Henry Percy, about two years after, is as follows: "It was propoſed that we ſhould attempt the winning of Wark, and the invaſion of England; which at that time we knew very well, you were not provided, nor furniſhed for us: yet anſwered we, the whole nobility that to defend our country we were there, and would ſpend our lives; but for the attempting any thing in England, or the invaſion of the country, we would not do; not underſtanding by whom or for what cauſe the wars were begun. Wherefore our queen diſperſed her camp in great choler, and partly againſt her honour." Keith's App. p. 22.

Shrewſbury, in his account of this retreat written to the council of England, ſays, that the Scots having brought their ordnance over Tweed, ſkirmiſhed before Wark, ſhewing ſuch likelihood to have given the approach, that the Engliſhmen within, looking for the ſiege, had rampiered up the gates. Strype, App. p. 275.

Mary, Q. of Engalnd. 1557. Oct. 19.

the bulk of the nobles wholly diſapproved of it; and expreſſing their higheſt indignation againſt D'Oyſel, for his having acted without the general's orders, they commanded him to bring back his artillery; and immediately after, they diſmiſſed their army, to the great diſcontent of the queen. As the ſmall body of troops that had been before Wark were leaving it, they were attacked by ſome borderers and other forces of the Engliſh; the aggreſſors, repulſed by the Scots, were retiring in diſtreſs, when captain Read, the governor of the caſtle, made a ſally for their relief, and renewing the fight, the Scots were obliged to retire in their turn, and to croſs the river with precipitation.

Strype, vol. iii. P. 434, 435. Oct. 13.

A little before the diſſipation of the Scottiſh army, the earl of Northumberland had collected a conſiderable body of forces at Lowick; where he was joined by the earl of Weſtmoreland with his men, and alſo by the lord Talbot, whom his father, the earl of Shrewſbury, had ſent northwards, to the aid of Northumberland with three thouſand men *. As the queen of England was not unacquainted with the averſion of the Scottiſh nobles to the preſent war, and at the ſame time could very ill afford the expence of a great armament, her preparations were ſlow, and very unequal to the ſtrength wherewith the Scots approached her frontier. In theſe circumſtances the retreat of this army was very acceptable news to the court of England. Part of the Engliſh forces under Weſtmoreland remained to protect their frontiers, and annoy thoſe of the enemy in the neighbourhood of Berwick. This corner it was neceſſary to guard againſt the incurſions of D'Oyſel; who, after the retreat of the Scottiſh army, remained with his countrymen at Eyemouth. Other companies of foot, paid by the French king, were ſtationed on the Scottiſh march, at Kelſo, Roxburgh, and other convenient places; while the Scottiſh nobles in their turns attended the ſame ſervice with bodies of cavalry. About Martinmas the earl of Northumberland ſent his brother Sir Henry Percy, accompanied with Sir John Forſter and others, chiefly thoſe of the middle march, to make an inroad into Scotland; they were met by Sir Andrew Ker and a great body of the men of Tiviotdale, in the neighbourhood of Cheviot, almoſt on the boundary between the kingdoms. A ſharp engagement enſued, in the beginning of which the Engliſh were beaten back; but recovering themſelves, they gained a conſiderable advantage over the Scots, taking priſoner their leader, with ſeveral of his followers †. Sir John Forſter fought bravely in

Holingſhed's Sc. Chr. p. 361.

* The army which the earl of Shrewſbury, lord-lieutenant of the marches, was inſtructed by the council to prepare againſt the Scots, was to conſiſt only of ſixteen or eighteen thouſand men; whereof eleven thouſand were to be raiſed from the interior parts, and of theſe as many horſes as he could by any means procure. Strype, App. p. 272.

The epitaph of lord Talbot, afterwards George earl of Shrewſbury, publiſhed by Dugdale (Baron. vol. i. p. 333.) mentions, that being ſent by his father to join the earl of Northumberland with three thouſand men at Lowick, he behaved himſelf in this command ſo as to gain the higheſt applauſe; that a little after he gained equal praiſe, and had no leſs ſucceſs, in oppoſing the enemy, at the head of five hundred gens d'armes, the lord Grey, Drury a brave knight, and other eminent ſoldiers, accompanying him, and the lord Weſtmoreland being then general.

† Strype, who ſeems to have compiled from better vouchers than Holingſhed, does not mention the preſence of Northumberland himſelf in this incurſion, as Holingſhed does. Strype alſo relates, that the Engliſh burnt the houſes and corn of Linton, and ſixteen towns more, and won the tower of Linton,

in this ſkirmiſh, wherein he was ſore wounded, and had his horſe killed under him; and to his proweſs was chiefly aſcribed the victory gained by his countrymen. Mary, Q. of Scotland.

In the following winter, England ſuffered the heavy and diſgraceful loſs of Calais and its territory, the only remnant on the continent of their ancient poſſeſſions in France; and which they had held for more than two hundred years. An expenſive, but unproſperous effort, was made in the ſummer to take Breſt; which, it was hoped, would bring back Calais by exchange. Meantime the war on the marches towards Scotland was faintly ſupported, nor did the Scots attempt any more than the defence of their own border, and ſome inroads into that of their neighbours, to retaliate or repair the loſs of the like incurſions made into their country by the Engliſh. Their queen was married in April to the Dauphin, which promiſed an addition of ſtrength to the French intereſt among them. But no ſymptom of this appeared in any thing attempted during this campaign againſt England. The French had ſufficient employment at home, in defending their own country againſt the Spaniards, on the ſide of Flanders, and againſt the deſcents of the Engliſh on their ſea-coaſts; the Scottiſh nobles were ſtill averſe to exert themſelves in a French quarrel, and many of them who favoured a reformation in religion, were beginning to engage in meaſures to promote it, and to defend thoſe who profeſſed or propagated the new opinions, againſt the violence of their enemies. This ſtate of affairs in France and Scotland, made the hazard the leſs, from the want of proper diſcipline among the Engliſh ſoldiers on the borders, and from the negligence of the officers of the garriſon of Berwick; ſome of whom were abſent, and none of them had complete and effective the numbers for which they were allowed pay *. A. D. 1558. Jan. 8. Strype, vol. iii. p. 437.

About Whitſunday, Sir Henry Percy, brother to the earl of Northumberland, and Sir George Bowes, marſhal of Berwick, having under them ſome bands of the garriſon of that place, and ſome other of the forces ſtationed on the borders, amounting in the whole to ſeven or eight hundred horſe, and two thouſand foot, made an inroad into the county of Mers. There they burnt Dunſe and Langton, and were returning homeward with a great booty Holingſhed's Sc. Chr. p. 362, 363, 364.

Linton, ſlaying therein the laird's ſon, and ſeizing in it a good ſpoil both of horſe and goods, and afterwards burnt it. Holingſhed ſays, that Sir Andrew Ker was taken in this rencounter. Strype doth not ſpeak of this, but mentions the ſlaughter of George Ker of Hatton, a notable *borderer and evil-doer to the realm of England:* and relates, that twelve of the beſt Scottiſh horſemen were made priſoners. The Sir Andrew Ker here ſpoken of, was probably the eldeſt ſon of Sir Walter Ker of Ceſsford, who died before his father. Dougl. Peer. p. 594.

* Lord Wharton gave this account of the ſtate of Berwick, in a letter written by him in November, to the lord preſident of the north; he obſerves in that letter, that the ordinary officers of the town appointed by letters patent, were a captain, a marſhal, a treaſurer, a chamberlain, a porter, a maſter of the ordnance. Theſe with the mayor for the year, were counſellors for the town; every one of them having a yearly pay, and wages allowed for a certain number of men under them. Thomas Carey was the marſhal, a good true gentleman, and an old ſervant; the chamberlain, Sir Robert Ellerker, had diſcontinued from his charge, ſince the war begun, and a long time before; the treaſurer, Allan Bellingham, was alſo abſent; the porter was John Selby. Strype, l. c. Haynes gives the particulars of the eſtabliſhment of the eaſt-marches and town of Berwick, at this time, as to numbers and pay, p. 398.

of

Mary, Q. of England. 1558.

of cattle, when the Scottiſh forces that lay at Kelſo, and other places, near the march, conſiſting of two thouſand horſe and three bands of foot, came up with them at Swinton. The Scottiſh foot, truſting to the ſuperior number of their horſe, made a bold charge on the infantry of the Engliſh, who were obliged to give way, and in danger of being diſtreſſed by a failure in their gun-powder; a great part of which had been rendered uſeleſs by the moiſture of a foggy morning. But they were reſtored to order, and kept on their ground by the bravery of Sir Henry Lee, captain Read, and other officers. By this means, the Engliſh horſe had an opportunity of giving a charge to the Scottiſh, who being too much detached from their infantry, were ſoon broken and put to flight. In conſequence of this, the Scottiſh foot, among whom were ſome Frenchmen, were overpowered by the ſuperior numbers of the Engliſh, and were all either ſlain or taken priſoners. Cullen and Kennedy, two of the chief officers of the infantry, were made priſoners; and among the horſemen, the lord Keith, eldeſt ſon to the earl marſhal of Scotland *. Nor was this advantage gained without ſome loſs on the ſide of the Engliſh; Pell, the enſign of Sir John Markham's band of foot, was killed, and Errington, a captain of light horſemen, on the firſt charge made by the Engliſh horſe, was taken priſoner by the laird of Edmonſtone, and carried off the field. In this conflict Sir Henry Percy diſplayed great courage, and was well ſeconded by ſeveral of his officers and ſoldiers †.

In the courſe of the ſame ſummer, a body of Scottiſh horſe, accompanied by ſome foot; who were either Frenchmen, or trained and commanded by French officers, entered England by paſſing the Tweed. The horſe, whoſe number was about a thouſand, beginning to plunder and burn the country, a great body of Engliſh horſe, collected by the earl of Northumberland, and his brother Sir Henry, advanced to oppoſe them; Sir Henry came up with the Scottiſh horſe at Grindon, and obliged them to retreat over the Till. There they rejoined the foot, whom they had left, and both now found it neceſſary to repaſs the Tweed into Scotland. They croſſed the river in good order, but not without ſome loſs, as they were attacked not only by the Engliſh horſe, but by ſome bands of foot, who had come up from Berwick to the aid of their countrymen. But as ſoon as they had regained the Scottiſh ſide of the river, they formed themſelves into ſo compact a body, and maintained ſuch good order in their retreat, that, although the Engliſh horſemen who were now joined by the earl of Northumberland, purſued them two miles, they were not able to make any impreſſion upon them. It is probable, that the Engliſh leaders had judged too raſhly, that ſo ſmall a body of infantry would eaſily be deſtroyed by their horſe, and on that account had not made their foot paſs the river. But that the horſe might not return without doing ſome hurt to their enemies, they advanced farther into the country; burning ſeveral villages, among which was Ednam in the neighbourhood of Kelſo. The earl of Bothwell, during the time of his attendance on the border ſervice,

* Keith was detained a priſoner by Sir Henry Percy, for many years after. Keith's Hiſt. p. 363.

† Among theſe were, Sir William Brereton, Thomas Markham, who led his father Sir John Markham's band of footmen, and Ralph Ellerker a captain of horſemen.

made a more ſucceſsful inroad, than that juſt related. Having ſent a ſufficient body of horſe to burn the town of Fenton, he remained himſelf with the reſt of his forces at Haltwell-Sweir. There he was attacked by Sir Henry Percy, at the head of a thouſand horſe; but Percy's cavalry being thrown into a pannic by a ſudden diſcharge of fire-arms from ſome of Bothwell's company, fled in diſorder, and were purſued over the Till; above a hundred and twenty of them were taken priſoners, among whom were Errington and Ker, captains of light horſemen *. Mary, Q. of Scotland. 1558.

The fortreſs of Eddrington † was ſituated ſo near the bounds of Berwick, as naturally to tempt the attacks of the Engliſh. It was taken by them in this war, as it had been in the two preceding. Its garriſon conſiſted of ſixteen Frenchmen, who made ſo brave a defence, that the lives of ſeveral of the aſſailants were loſt in reducing it. Soon after, there was a hot ſkirmiſh on Halidon-Hill. Some bands of ſoldiers, of the Berwick garriſon, were ſtationed there, for the protection of thoſe employed in mowing and carrying in the hay of the common fields. Many days having paſſed without the appearance of any diſturbance from the enemy, this party grew ſecure; and, throwing aſide their armour, ſpent their time in ſports. The garriſon of French and Scots at Eyemouth, informed of their remiſſneſs, ſurpriſed them with a fierce and ſudden attack; for which they were ſo ill prepared, that notwithſtanding the brave efforts of their ‡ captains to rally them, they were thrice driven from the height of the hill; at length Sir James Crofts, bringing up a reinforcement from Berwick, put an end to the conteſt; obliging the French and Scots to retire towards Eyemouth, after the ſkirmiſh had, with conſiderable loſs on both ſides, continued from one till four in the afternoon §.

Beſides theſe incurſions and encounters, there were two great inroads made into Scotland, by the earls of Weſtmoreland and Northumberland. The lord

* Queen Mary, in her famous apology, ſent to the court of France, for her marriage with Bothwell, ſays, that in theſe wars againſt England, he gave ſuch proofs of his valiantneſs, courage, and good conduct, that, notwithſtanding he was very young, yet he was choſen as the moſt fit of the whole nobility, to be our lieutenant-general of the borders, having the whole charge, as well to defend as to aſſail. At which time he made many noble enterpriſes, &c. Keith's Hiſt. p. 388.

† Holingſhed calls it the *pile of Cawmills*.

‡ Of theſe Holingſhed mentions, Sir William Brereton, Sir John Markham, Mr. William Drury, and Cuthbert Vaughan.

§ There was alſo, ſome time this year, a combat fought on Halidon-Hill, between Sir William Kirkaldy laird of Grange, one of the moſt eminent Scottiſh warriors of that age, and Ralph Eure, the brother of lord Eure, who ſucceeded lord Wharton, in the government of Berwick. This aroſe from a challenge given by Kirkaldy to lord Eure, on a complaint of Eure's having maltreated Kirkaldy's brother, while his priſoner at Berwick. Becauſe of the inequality of rank between Eure and the laird of Grange, Eure's brother accepted of the challenge, and twelve gentlemen accompanied each of the champions to the field, to be witneſſes of the combat. The friends of Eure complained of ſome advantage on the ſide of his antagoniſt in point of armour, yet Eure did not decline the encounter. In the ſhock, the ſtaves of both were broken, and Eure hurt on the ſide. Hol. Sc. Chr. p. 364.

The enterpriſes and exploits of this campaign, Holingſhed ſays, he learned from the captains, Read, Wood, Errington, Gurley, Markham, and others, who were eye-witneſſes; not having found accounts of them publiſhed by any author. Ibid.

Talbot

Mary, Q. of England.

1558. Holingſhed, ib. p. 316.

Talbot accompanied the latter, having the command of ſome demi-lances *; but concerning theſe enterpriſes no farther particulars are recorded. There were alſo deſcents made by the Engliſh in the courſe of this war in the Orkneys, and on the weſtern coaſts and iſlands; but the force employed in them was ſmall, and the events they produced were of little moment.

In the autumn of this year, when the contending powers of France and Spain ſeemed to be on the eve of an important battle near Amiens; their dread of the event determined them to commence a negociation for ending their quarrels. This began at Cercamps, and produced a ceſſation of arms; but about ſettling the peace great difficulties aroſe. Theſe difficulties were diminiſhed by the death of Charles V. in September, which diſpoſed his ſon Philip to return with all expedition to Spain; and by the death of Mary of England, in November, which made the ſame monarch cooler with regard to the reſtitution of Calais. The conferences being again reſumed at the caſtle of Cambray in February, iſſued in a peace between all the contending powers. The negociations during the winter tending to this peace, had an influence in ſlackening military enterpriſes on the borders; none of which were of moment enough to be deſcribed by hiſtorians †. Yet the ſpirit and vigour that diſtinguiſhed the whole of Elizabeth's reign, was exerted in the beginning of it, in ſecuring her frontier towards Scotland. Proclamations were iſſued, requiring all captains and ſoldiers, as well of the garriſon of Berwick, as of the ſeveral bodies employed on the marches, to be at their poſts by the firſt of January, under pain of forfeiture to thoſe who were then abſent, of all wages due to them, from their laſt pay until that time. Orders were alſo ſent to the earl of Northumberland, lord warden of the eaſt and middle marches, and to lord Eure the governor of Berwick, to employ proper perſons to muſter at times unexpected, the forces under their command, that thereby the frauds in their numbers and arms might be diſcovered. The duke of Norfolk was made lord-lieutenant of the north; but the perſons chiefly truſted, in conducting the affairs of this department, were, the earl of Shrewſbury, Sir Henry Percy, and Sir James Crofts.

A. D. 1559. Elizabeth, Q. of England.

Strype, vol. i. p. 16,—21.

Inſtructions were ſent to lord Eure, to carry on the fortifications begun at Berwick. Supplies of ordnance and ammunition were haſtened thither; and on the apprehenſions of an attempt of the French to make a deſcent at Newcaſtle, the earl of Shrewſbury was ordered to levy a body of foot in Yorkſhire, to be ſent to the defence of Berwick. The lord Eure had a grant of

* The demi-lances were a kind of horſemen. *Gens de Cheval qu'ils apellent demi-lances.* (Lettre de Noailles a Reine Douariere. Haynes, p. 214.)

† About the end of the year, lord Eure made an inroad towards Eyemouth, in the neighbourhood of which, he burnt a mill, a kiln, and ſome houſes; for which ſervice he had the queen's thanks. About the ſame time, Leonard Dacres received the ſame honour for ſome exploit againſt the Scots; but was informed by the council, that it would have been more acceptable if he had been quiet, as what he had done would provoke the Scots to make repriſals. This accordingly happened, and the Scots alſo increaſing their forces on the borders, the queen found it neceſſary to order a reinforcement of a thouſand men on her ſide; of which five hundred were to be raiſed in the biſhoprick of Durham, two hundred in the North Riding of Yorkſhire, and three hundred by the earl of Northumberland in Richmondſhire, of which he was ſteward. Strype, vol. i. p. 17. 19. 20.

twenty

twenty ſhillings a day towards the entertainment of an hundred horſemen, who ſerved under him, though not in quality of captain of Berwick. With the horſemen kept in his garriſon, he was inſtructed to give aid to the lord warden on neceſſary occaſions; but ſo that theſe horſemen ſhould for the ſecurity of the town, return to it at night. Stores of corn were provided by the care of Abyngdon, ſurveyor of the victuals; and money was ſent to Sir William Engleby the treaſurer, to pay the garriſon and defray other neceſſary charges. The perſon chiefly intruſted with the management of affairs in Berwick, where the new works were carried on with great vigour in the ſpring, was Sir James Crofts. And in reward of his diligence, he was at length appointed captain of the town and caſtle, in the room of lord Eure. By this time a ceſſation of arms *, was concluded with Scotland; and in conſequence of it, orders were given by the Engliſh court, to reduce the forces at Berwick, and on the other parts of the frontiers, ſo far as could be done with ſafety. A ſpecimen was given on this occaſion, of the frugality of Elizabeth and her miniſters. For, though Crofts was in high confidence with them, yet he could not, by his ſolicitations, obtain the continuance of an increaſe of threepence a day of the wages of the old garriſon, which had been granted laſt year; but was required to perſuade the ſoldiers to be contented with their ordinary entertainment, until the queen ſhould be better able to enlarge it.

Mary, Q. of Scotland. 1559.

March 28.

The negociators of the peace †, concluded at Chateau-Cambreſis, between France and England, had alſo powers to conclude a treaty between England and Scotland; the French negociators having a commiſſion for this effect from Mary the queen of Scotland, and her huſband the Dauphin-King. The Scots having entered into the late war ſolely in the cauſe of France; an article relating to their affairs, was inſerted in the treaty between France and England. By this article, it was ſtipulated, that the fort of Eyemouth, and whatever elſe had been, or might be, innovated by the king of France, or the king and queen of Scotland, before the publication of the preſent treaty, in breach of the league concluded at Boulogne, in March 1545, ſhould, within ſixty days after the date of the treaty now concluded, be demoliſhed and raſed to the ground, that all things ſhould be reſtored to their ancient ſtate, nor any place rebuilt and fortified anew, contrary to the treaty aforeſaid; that if, within the ſame time, the Engliſh had made any acquiſition in Scotland, or fortified any place near the border, contrary to the ſame treaty, they ſhould

April 2.

Rym. vol. xv. p. 509.

* An abſtinence or truce had been a good while before propoſed from Scotland. and almoſt all the Scottiſh nobility were diſaffected to the war; as appears from a letter from Sir Henry Percy, giving an account of a conference he had held with the duke of Chatelherault, dated from the caſtle of Norham, January 22, 1559. Keith's App. p. 21. The abſtinence commenced on the 6th of March, extending thence to the 6th of May. It was agreed between the earls of Northumberland and Bothwell, and D'Oyſel the French lieutenant-general gave his written engagement to obſerve it, at the deſire of the queen-dowager. This engagement is dated Edinburgh, 18th of March. Haynes, p. 209.

† On the part of England, the negociators were, William Howard, baron of Effingham, knight of the garter, and chamberlain of the houſehold, Thomas biſhop of Ely, and Nicholas Wotton dean of Canterbury and York; and for France, the cardinal of Lorrain, the Conſtable Montmorency, the Marſhal de St. Andre, Morvillier biſhop of Orleans, and De Laubeſpine ſecretary of ſtate and finances.

Elizabeth, Q. of England.

1559.

Rym. ib. p. 513.

deſtroy or raſe it, and that no place ſhould be rebuilt or fortified anew by them, in violation of the treaty ſo often mentioned. This article is inſerted in a treaty of the ſame date, and concluded at the ſame place, between England and Scotland; which contains beſides, only a few of the more general articles uſual in ſuch treaties. The commiſſioners, profeſſing themſelves not to be ſufficiently acquainted with the treaties formerly concluded between the Scots and Engliſh, did, on that account, defer the concluſion of any agreement concerning certain articles * enumerated by them, and which tended to the quiet and concord of the two kingdoms. For deliberating and concluding concerning theſe articles, and what elſe concerned the intereſt of both countries, they judged it expedient, that commiſſioners ſhould be appointed by the ſovereigns of either nation to meet at a ſtated place and time; the time not to exceed two months from the date of the preſent treaty. And that no occaſions of diſcord might ariſe from the omiſſion of the ſaid articles, it was agreed, that in the mean time the ſubjects of either kingdom ſhould behave, and be treated agreeably to the laſt treaty of peace between Edward VI. of England and Mary of Scotland. Publication of this peace was to be made, in all the more noted places of the marches, in thirty days after the date of this treaty.

Rym. vol. xv. p. 520. Haynes, p. 211.

In fulfilment of what was agreed by the treaty of Chateau-Cambreſis, the two queens in due time appointed their commiſſioners †; who, on the laſt day of May, ſigned and ſealed in the church of St. Mary of Upſetlington ‡, a treaty ſupplemental to the former; the duplicates of which were exchanged, on the ſame day, in the church of Norham. In this treaty, the articles referred by the negociators of the peace at Chateau Cambreſis, to be ſettled by the commiſſioners now employed, were drawn up in the ſame terms as they had been in many former treaties. The article alſo concerning Berwick on Tweed was inſerted in its long accuſtomed form, and the reſtitution of the fiſhings of Tweed to the Scots was fixed, in the ſame manner as it had been in the treaty of 1551; and it was likewiſe declared, that the bounds of the two kingdoms ſhould be the ſame as before the beginning of the late wars §.

The

* Theſe articles related to the granting of ſafe-conducts; the ſeizing and puniſhing of murderers, robbers, and other malefactors; depredations, and acts of violence, and the proſecution of thoſe who committed them; the cutting of other men's trees; fugitives from their own country who had become the ſubjects of either prince; thoſe who were ſpoiled in making prizes and diſtraints by their own authority; perſons who were ſhipwrecked or driven in by ſtreſs of weather; not comprehending the iſle of Lundy in England, or the lordſhip of Lorn in Scotland.

† The Scottiſh commiſſioners were, James earl of Morton lord Dalkeith, lord Home, warden of the eaſtern march of Scotland towards England, Henry Sinclair dean of Glaſgow, and James Macgill of Rankeilour Nether, clerk of the regiſter and privy council. Thoſe from England were, Thomas lord Percy earl of Northumberland, warden of the eaſtern and middle marches towards Scotland, Cuthbert biſhop of Durham, William lord Dacres and Grayſtock, warden of the weſtern march, and Sir James Croſts, captain of the town and caſtle of Berwick upon Tweed.

‡ This church of St. Mary of Upſetlington is, probably, the kirk of Ladykirk, which was built within the bounds of the ancient pariſh of Upſetlington by James IV.; as is mentioned above.

§ In the ſhattered MS. often quoted by Keith, are, he ſays, ſeveral letters concerning the peace, between the queen of England and queen regent of Scotland, and alſo between the latter and the earl of Northumberland, lieutenant of the north of England. By a letter from the queen of England, it appears, that young Lethington had been employed to negociate the affairs of Scotland

Mary, Q. of Scotland. 1559.

The concluſion of a peace between the two nations was ſoon followed by violent inteſtine commotions in Scotland. By queen Elizabeth's firſt parliament, which ſat in the ſpring, the reformed religion was reſtored in England. And as the perſecution of the proteſtants in Mary's reign, had driven ſeveral of their preachers into Scotland, where they taught with great ſucceſs the doctrines of the reformed; ſo the zeal which Elizabeth diſplayed in the proteſtant cauſe, greatly encouraged its friends in Scotland, to make an open profeſſion of their religion, and to exert all their power and intereſt for its eſtabliſhment. The queen regent of Scotland, in the beginning of her adminiſtration, both from temper and policy, treated the reformed with lenity; but her brothers, the duke of Guiſe and cardinal of Lorrain, influenced her to ſuch violent meaſures as provoked the like meaſures of defence; and ſo produced the precipitate downfall of that ancient fabric of ſuperſtition and church tyranny, which its zealots were ſo earneſt to ſupport.

Although the firſt exertions of force, on the part of the Scottiſh reformers, were very reſolute and ſucceſsful; yet, without the ſupport of England, they muſt probably have ſoon yielded to the policy and power of France. John Knox, in order to obtain the countenance and aid of the Engliſh court, had, about the time of his laſt returning to Scotland *, applied by letter to ſecretary Cecil, who had been his familiar acquaintance, while he reſided in England, in the reign of Edward VI. In this correſpondence with England, the heads of the proteſtant party were ſoon engaged, and Knox was himſelf ſent a meſſenger to the Engliſh border, paſſing from the coaſt of Fife to Holy Iſland, and thence to the caſtle of Berwick, where he was entertained two days very ſecretly by Sir James Crofts the governor. Though queen Elizabeth and her miniſters were ever remarkable for the caution and wiſdom of their enterpriſes, and were at bottom ſincerely deſirous of peace; yet having abundant reaſon to be jealous of the ambitious views of France, they readily engaged in meaſures to prevent that nation from eſtabliſhing its power over Scotland. On queen Elizabeth's acceſſion to the throne, the French court reſolved to advance the claim of the young queen of Scotland to the crown of England, as being the neareſt of the deſcendants of Henry VII. rejecting the title of Elizabeth, on account of the alleged nullity of her mother's marriage with Henry. The general affection diſcovered by the Engliſh to Elizabeth, in the beginning of her reign, diſcouraged the French from taking the public ſteps in this matter they intended; but both during the remainder of the life of Henry II. and after the acceſſion of his ſon Francis to the throne, the quartering of the arms of England and Ireland with thoſe of France and Scotland; and the aſſuming, on ſome occaſions, the title of king and queen of England and Ireland, by Francis and Mary, too plainly diſcovered the aims of France, and gave an

Knox, p. 204.

Ibi p. 212. About the end of July.

Anderſon Dipl. Tab. p. 68. Haynes, p. 265. 269.

land at the Engliſh court, before the concluſion of the treaty of Cambray. The earl of Northumberland's letters are filled with complaints againſt the ſubjects and wardens of Scotland; and he ſpeaks of his having met with the earl of Bothwell, lieutenant on the marches of Scotland, at Redden-burn, for ſettling all differences. The queen-regent makes likewiſe complaints on her part. Keith's App. p. 89.

* John Knox came to Edinburgh, May 2.

Elizabeth, Q. of England.

1559. July 10.

offence to Elizabeth that could never be expiated. All theſe jealouſies and cauſes of complaint were much increaſed, on the death of Henry II. which happened in the midſt of the commotions of Scotland; for the aſcendant of the Guiſes over the new king, whoſe queen was their niece, was entire; and queen Elizabeth had reaſon to apprehend every miſchief from men, ſo ambitious of the aggrandiſement of their own family, and at the ſame time ſo zealouſly addicted to the papacy.

The court of England, judging it therefore the beſt way for ſecuring their domeſtic ſafety and quiet, to give timely aid to the reformed and antigallican party in Scotland, ſent for that purpoſe, proper powers and ſupplies to Sir James Crofts governor of Berwick, and likewiſe diſpatched to that place Sir Ralph Sadler, to act in conjunction with him *. Theſe two officers began with furniſhing ſums of money to the leaders of the reformed, to enable them to pay ſome mercenary ſoldiers, whom they were obliged to retain in their ſervice. Mr. Henry Balnaves was ſent to receive one of theſe payments, and conveyed it ſafely to his friends. But the laird of Ormeſton, who was charged with the conveyance of a *ſecond*, amounting to 1000 l. ſterling, was not ſo fortunate; for he was attacked near Haddington and ſtript of his caſh by the earl of Bothwell, who, notwithſtanding ſome profeſſions to the contrary, was ſecretly of the party of the queen regent.

Knox, p. 214.

Keith's App. p. 43.

The congregation †, after having been obliged to conclude a diſhonourable agreement with the queen regent, and to retire from Edinburgh, in the end of July, received, about ſix weeks after, a great acceſſion of ſtrength, by the duke of Chatelherault's coming over to their party. This nobleman, declared by act of parliament the ſecond perſon in the kingdom, and heir apparent to the crown, had been long jealous of the ambitious views of France to make a conqueſt of his country, and had been in a ſecret correſpondence with the court of England, to defeat theſe projects, and ſecure his own intereſts. And his ſon, the earl of Arran, who commanded the body of Scottiſh guards retained by the French king, having diſcovered his affection to the proteſtant cauſe, to which he had been ſecretly converted, provoked the rage of the Guiſes, who ſought his life, and obliged him to fly ſecretly from France. In returning to his own country, he was favourably entertained at the court of England; and recommended to the protection of the governor of Berwick, who received and concealed him for ſome time in the caſtle.

Keith's App. p. 29.

Thence being conveyed over the river in the night ‡, he was committed to the care of an Engliſh gentleman, who travelled with him through unfrequented

* As alſo, according to Camden, with the earl of Northumberland, who was then warden of the middle march. Hiſt. Eliz. p. 33. The letters written about that time from Berwick to the Scottiſh congregation, which are publiſhed in Keith's Appendix, are ſubſcribed by Sadler and Crofts.

† So the reformed party called themſelves.

‡ Sadler and Crofts ſuſpected Thomas Clavering, farmer of the Demeſnes of Norham, and reſiding in the caſtle there, of giving intelligence to the queen regent of Scotland, that Arran had in paſſing been received and entertained at Berwick. Though they could not poſitively charge Clavering with treachery, they expreſſed their wiſh to the council of England, that he were removed farther from the border, and that there were an honeſt man at Norham in his place. Sadler and Croft's letter to the council of England in Keith's Append. p. 29.

roads,

roads, paſſing under the hills of Cheviot, to Tiviotdale, where he was received by a particular friend of his family, and conveyed thence to Hamilton. Arran, ſoon after, came to a meeting of the congregation at Stirling, where he openly joined them; and making up ſome quarrels that his father had with ſome of them, engaged him alſo to appear publickly on their ſide. This acceſſion of ſtrength and credit encouraged the party to return in October to Edinburgh, from whence the queen-regent retired, and ſhut herſelf up in Leith; which was the head-quarters of her French forces, and the fortifications of which they had greatly improved. The council of the proteſtant lords did, at this time, ſuſpend the queen regent from the exerciſe of her office; but they were not able to reduce Leith; and, being diſappointed of the ſupply of Engliſh money, which they expected to receive by the laird of Ormiſton, they could not longer keep their forces together, but were obliged to retire from Edinburgh to Stirling, in no ſmall confuſion and diſorder.

Mary, Q. of Scotland. 1559. Sept. 10. Oct. 23. Nov. 6.

Theſe diſtreſſes made the need of a powerful and effectual aid from England more and more apparent. To ſolicit this, the lords of the congregation, whoſe drooping ſpirits Knox had revived, by a flaming ſermon preached at Stirling, ſent Maitland of Lethington, a man of great abilities, who had lately abandoned the queen regent, and joined himſelf to the proteſtants. Maitland, with Barnavie his aſſociate, paſſing, as is probable, from ſome port in Fife to Holy Iſland, was received, the night after their landing, into the caſtle of Berwick, by the governor Sir James Crofts. Having remained there a day, conferring with Crofts and Sadler, who gave them all encouragement to hope for ſucceſs in their errand, they were before day-light conveyed out of the caſtle, and proceeded on their journey to the Engliſh court. There they met with a very favourable reception; and in leſs than a month, Barnavie *, or according to the Scottiſh writers, Robert Melvill, returned to Stirling, with aſſurances of effectual ſupport from England, on ſuch conditions as ſhould be agreed to by commiſſioners from Elizabeth, and the proteſtant party in Scotland.

Keith's App. p. 37. Nov. 25. Haynes, p. 213. Dec. 20.

To carry theſe engagements into effect, the duke of Norfolk about the end of the year came to Newcaſtle, inveſted with the office of lieutenant-general in all the country to the north of the Trent. In his commiſſion were expreſſed the apprehenſions the queen entertained from the great forces the French had tranſported into Scotland, and in particular her jealouſy with regard to the ſafety of her town of Berwick, the principal key of her kingdom. She ſent, at the ſame time, commiſſions to the gentlemen of the northern counties, to raiſe forces of horſe and foot for oppoſing the dangerous attempts of the French, and to bring them to the duke of Newcaſtle. Valentine Brown, an auditor of the queen's exchequer, and a perſon of approved fidelity and exactneſs in former ſervices of that nature, was intruſted with the treaſure † neceſſary for the intended expedition, and ſoon followed the duke to the north. The duke himſelf made a viſit to Berwick, about the middle of

Lettre de Noailles. Haynes, p. 213. Ib. p. 217, 218. 224.

* Thomas Randall, alias Barnavie. Haynes, p. 238. 241.

† 16000 l. and 400 l. for paying part of an arrear of 9 or 10,000 l. due to the garriſon of Berwick on the 12th of December. Brown was alſo ordered to inſpect the treaſurer of Berwick's accounts, and Abington's account of victual.

January,

Elizabeth, Q. of England. A. D. 1560.

January, to view the fortifications *, and to concert matters about the intended expedition, with Sir James Crofts and Sir Ralph Sadler. After remaining a few days at Berwick, Norfolk returned to Newcaſtle to wait the aſſembling of his army. Meanwhile, a fleet of fourteen ſhips of war, commanded by Winter, having under their convoy ſeventeen tranſports laden with proviſions and military ſtores, was ſent northwards; the ſtores were landed at Tinmouth, Holy Iſland, and Berwick; and Winter, in paſſing by the latter place, having conferred with Crofts and Sadler, and for ſtrengthening his ſquadron and aiding the Scottiſh lords, taken on board a body of harquebutters † out of the garriſon, proceeded with his ſhips of war to the Edinburgh Frith. The true intention of this was to intercept ſuccours from France, or correſpondence with it, and to encourage and aſſiſt the proteſtants; but the queen of England, thinking it prudent for the preſent to diſſemble her deſigns, inſtructed Winter to give as a reaſon for his entering the Frith and continuing there ſome days, that, in the preſent ſtormy ſeaſon, it was very unſafe for his great ſhips to lie off Berwick; and therefore, while his tranſports were unloaded there, he ſought a ſafe retreat in the road of Leith. But as Winter was advancing towards this ſtation, he was ſhot at by the French from Inchkeith, Burntiſland, and Leith. This reception removed all ſcruple about proceeding to hoſtilities; he fell on ſome French ſhips lying on the Fife coaſt, and took three of them, two of which were ſhips of war, one a hoy, laden with artillery, ammunition, and alſo with a great number of tools, neceſſary for fortifications. The arrival of this Engliſh fleet in the Frith, happened very

Haynes, p. 231. 233. Knox, p. 202.

* Norfolk, in a private letter to ſecretary Cecil, gives his opinion about the fortifying of Berwick, which was then carrying on under the direction of Sir Richard Lee. It ſeemed to him, that the natural ſituation of the place was very unapt for fortifying, and that the work could not be carried on without great pains and expence. He applauds Lee's ſkill, diligence, and frugality, ſhewn in what was already executed; but mentions a difficulty that had ariſen and was not then reſolved, about which he wiſhed the moſt able in the art of fortifying to be conſulted; which was, whether it would be moſt expedient to have that ſide of the old town next the haven to be cut away? wherein lay all the queen's ſtorehouſes and the beſt houſes of the town; or if the old wall ſhould be fortified and thereby the houſes ſaved? Sir Richard Lee who had gone ſouth, and was viſiting the fortifications at Portſmouth, was ſoon after ſent north to ſettle this matter, in concert with the duke, and ſuch as he ſhould appoint. Haynes, p. 228. 248.

† Norfolk, on the day he ſet out from Berwick on his return to Newcaſtle, (Jan. 20.) ſaw the admiral with ſeven ſhips lying afore Berwick, and gave orders, before his coming thence, to Sir James Crofts to embark five or ſix hundred harquebuts: (Haynes, p. 227.) but, by a ſubſequent letter of Norfolk, he ſeems only to have got two hundred. (Haynes, p. 251.) The garriſon of Berwick at that time conſiſted of well trained, and for the moſt part old ſoldiers, who were ſo ſkilful in the uſe of the harquebuſs and pike, that there were no better. (Haynes, p. 221.)

The duke of Norfolk had not the ſame eſteem of the captains of Berwick, as of their ſoldiers; for he ſays, writing to Cecil, 'I think there is not one captain of Berwick, or if there be any, 'very few, but that rather do ſerve for gain, than for any good will of ſervice. And what good 'ſervice is like to enſue of ſuch minds? I can judge nothing but polling and pilling the queen's 'treaſure.' Theſe exceſſes were not to be remedied till the preſent expedition was over; but the duke engaged, if it were the queen's pleaſure, either to reduce them to live on the wages allowed them, or elſe to put others in their places that would. (Haynes, p. 239.) It was a part of the charge againſt Sir James Crofts, that he had encouraged that garriſon to robbery, by his inſatiable pilling and polling; and in the army before Leith, Norfolk ſays, that the abominable robbery of the garriſon of Berwick had infected the country bands, the numbers there being extremely deficient. Haynes, p. 321. 327.

oppor-

opportunely for ſtopping the progreſs of a body of French, who having over-run and plundered a great part of Fife, and conſtrained a party of horſe of the reformed, under the command of the earl of Arran and lord James Stewart to retire, were on their march to ſeize St. Andrew's, which they intended to fortify; but the unexpected appearance of the Engliſh ſquadron filled them with apprehenſion of being cut off from their countrymen, and made them return with great ſpeed, by the way of Stirling, to Leith. Mary, Q. of Scotland. 1560.

A meeting being agreed to be held at Berwick, between the duke of Norfolk and delegates from the Scottiſh reformers, the duke came thither from Newcaſtle, and the Scottiſh lords met him at the time appointed; four of them having been brought over from Fife in a ſhip of Winter's ſquadron. Theſe were, the lord James Stewart prior of St. Andrew's, Patrick lord Ruthven, John Wiſhart of Pittarow, and Mr. Henry Balnaves of Hall-hill. Maitland younger of Lethington, and Sir John Maxwell of Terreagles, came by land, and arrived a day ſooner than the others. With theſe delegates the duke of Norfolk, after a ſhort negociation, concluded a treaty; which being ſent up to the Engliſh miniſters, and altered in ſome points of ſmall importance, was ſoon ratified by the queen. The chief object of this treaty was, the preſervation and defence of the *true Chriſtian Religion*, and of the ancient rights and liberties of Scotland, againſt the attempts of France to deſtroy them, and to make a conqueſt of that kingdom. For this purpoſe the queen of England engaged to ſend a competent aid of her forces, both by land and ſea, who, with the concurrence of the power of the lords of Scotland, were to endeavour totally to expel the Frenchmen from that kingdom. The places of ſtrength recovered from the French, by the aid of the Engliſh, were either to be demoliſhed, or immediately delivered up to the Scottiſh lords; and without the conſent of theſe noblemen, the Engliſh were not to fortify any place on Scottiſh ground. Beſide all manner of aſſiſtance, which the Scottiſh lords engaged to give the Engliſh army, they alſo bound themſelves to furniſh to the queen of England an aid of four thouſand men, one-half foot and the other horſe, to receive Engliſh pay, in caſe of the French invading England, or cauſing it to be invaded; or if the invaſion ſhould be made on the north of the Tyne, or if the town of Berwick ſhould be attacked *, they were to raiſe their whole forces at their own expence, to join them to thoſe of England, and to keep the field the ſpace of thirty days, or as long as they were accuſtomed to attend the ſervice of their ſovereigns in defence of their own country. Hoſtages † were to be delivered to Norfolk before the Engliſh army

Feb. 21. Haynes, p. 247, 248. 250. Feb. 24. Feb. 27. Rym. vol. xv. p. 569.

* *In caſe the invaſion be on the north parts of England, on the north part of the water of Tyne towards Scotland, or againſt Berwick, on the north ſide of the water of Tweed.* Theſe are the words of the treaty; from which it would ſeem, that Berwick was not eſteemed by theſe negociators a part of England.

The earl of Argyle, juſtice of Scotland, and a contractor in this treaty, was engaged by it for his part, to give queen Elizabeth his aid in reducing the north of Ireland to *the perfect obedience of England.* (Words of Treaty.)

† The duke of Chatelherault, and nobles aſſociated with him, were engaged by this treaty to ſubſcribe and ſeal it, within the ſpace of twenty or thirty days at moſt, after the delivery of the hoſtages.

Elizabeth, Q. of England. 1560.

army entered Scottiſh ground; and it was declared by both parties, that they meant not to detract from the juſt rights of the queen of Scotland, or from any prerogatives of the French king as her huſband, which did not tend to the ſubverſion and oppreſſion of the juſt and ancient liberties of the kingdom of Scotland.

Haynes, p. 259, 260.

In fulfilment of this treaty, when the ſeaſon for action had arrived, and ſome hopes, given by the French court, of ſettling matters amicably had failed, the Engliſh forces quartered at Berwick and in the neighbourhood, amounting to ſix thouſand foot and twelve hundred and fifty horſe, entered Scotland. The general of this army was the lord Grey of Wilton, who was alſo appointed warden of the eaſt and middle marches. The ſecond perſon in command, and chief of lord Grey's council, was Sir James Crofts captain of Berwick ‡. Other principal officers under him were, the lord Scroope lord marſhal, Sir George Howard commander of the gens d'armes and demilances, Sir Henry Percy general of the light horſemen, and Thomas Gower maſter of the ordnance. The lord Grey, marching with the foot from the bounds of Berwick, where the army had been for ſome days encamped, ſtopped the firſt night at Coldingham; and the day following, being Saturday, Sir James Crofts and Sir George Howard ſet out from Berwick, with the lances and light horſemen. The whole army advanced this day as far as Dunglaſs, at which place the foot encamped, the cavalry being cantoned in the adjacent villages. The next day's march carried them to Linton-briggs and Haddington; and as they paſſed by the caſtle of Dunbar, ſome of the garriſon ſallied forth and ſkirmiſhed; but keeping nigh their walls, there were only two or three lives loſt in the rencounter. On the day following, being the firſt of April, the Engliſh army arrived at Preſton-Pans, where the chief commanders had firſt a meeting with ſome of the leaders of the Scottiſh allies. A plan of proceeding being concerted, and the queen-regent obſtinately refuſing to diſmiſs the French ſoldiers, without the conſent of her daughter and the French king, the Engliſh advanced to the neighbourhood of Leith; where they were received by the French, under Martigues, with a fierce and long ſkirmiſh *. The ſame reſolute ſpirit was diſplayed by the French during a ſiege of almoſt three months, although they could ſcarce entertain any proſpect of relief, and, for a conſiderable time before the concluſion of the ſiege, were reduced to great

Ib. p. 229.

Ib. p. 257.

March 29. Haynes's Eng. Chr. p. 1187. Haynes, p. 274.

April 6.

Stowe. Holingſhed. Haynes, p. 280.

hoſtages. Theſe hoſtages were delivered to Winter the Engliſh admiral; and as they were paſſing in a ſhip to Berwick, were driven in by contrary winds to Preſton-Pans, while the Engliſh army lay there, on the 4th of April, and ſtaid in the army all the night: they at laſt reached Berwick on the 7th. The treaty of Berwick was ſubſcribed and ſealed by the Scottiſh lords, in the camp before Leith, on the 10th of May, three days after the attempt to ſtorm Leith had failed. That misfortune made it more neceſſary for them to give all ſatisfaction to the court of England; and perhaps it was then no more than thirty days ſince the entry of the hoſtages into England.

‡ The appointment of Sir James Crofts to this ſervice was ſudden; and the Engliſh council fearing it would be diſagreeable to him, were at pains to reconcile him to it by ſoothing words and liberal appointments. Haynes, p. 257.

* In this ſkirmiſh great bravery was diſplayed by young Percy, ſon to Sir Henry, general of the light horſe; by Barnaby and Knever, officers of that corps; as alſo by Trimayn, Randal, and Ligons, officers of the foot. Haynes, p. 289.

want

Mary, Q. of Scotland.

1560. Holingſ. Eng. Chr. p. 1139. Haynes, p. 304. 348.

want of neceſſaries. But beſides that they were good troops and had brave commanders, they were almoſt half as numerous as the army of beſiegers †.

The duke of Norfolk remained during this ſiege at Berwick ‡, where he received accounts, from time to time, of its progreſs; and from whence he ſent, at different times, conſiderable reinforcements to the Engliſh army. The greateſt of theſe reinforcements, conſiſting of two thouſand two hundred foot, eſcorted * by five hundred horſemen, came to the camp before Leith about the middle of April 16.

† Norfolk writes, April 10, that the ſoldiers in Leith were at leaſt three thouſand five hundred French and five hundred Scots (Haynes, p. 285). Carew, writing to Elizabeth, May 28, from Berwick, ſays, that according to the accounts of ſeveral who had come out of the place, there ſtill remained two thouſand three hundred good ſoldiers, of which two hundred had ſerved as captains, lieutenants, or enſigns (Haynes, p. 345). Cecil writes to the queen, that the French ſoldiers, at the ſurrender of the place, were three thouſand (Haynes, p. 354).

‡ Endeavours had been uſed by the duke and Sir Ralph Sadler to gain the Homes and Kers, who had the chief power on the eaſtern part of the Scottiſh marches, to aſſiſt in expelling the French. But theſe chieftains would come into no engagements on which the duke could depend (Haynes, p. 252). He therefore raiſed ſix hundred light-horſemen, four hundred in Yorkſhire, to carry *curriars or harquebuſhes*, and two hundred in the marches. Theſe, together with the garriſon of Berwick, and the *power of the country*, were eſteemed a ſufficient defence againſt the Scottiſh marchers. The duke, writing to the Engliſh council on this ſubject, tells them, "that at all times "heretofore, when any army of England invaded Scotland, there was ever a convenient power "both of horſemen and footmen left to guard the frontiers." About the time of the Engliſh army entering Scotland, lord Home having come to the borders from Edinburgh, a report was ſpread, that he, with his friends, would ſet fire in England: "but we have provided, ſays the duke, "ſuch ſauce for him, that I think he will not deal in ſuch matter: but if he do fire but one hay-"goff, he ſhall not go to Home again without torch-light; and, peradventure, may find a lan-"thorn at his own houſe." (Haynes, p. 275.) Norfolk ſuſpected that the borderers deſigned to intercept the money he was ſending to pay the army at Leith, about the end of April; having had intelligence that they had orders to be ready at an hour's warning. On that account, and alſo becauſe of the great weight of the ſpecie and want of carts, he ſent Valentine Brown with it by ſea. But ſoon after, the lord Home, with ſome other of the marchers, joined the proteſtant lords, bringing with them three hundred horſes. (Haynes, p. 302.) This intelligence ſeems to have been erroneous; for Norfolk writes, May 23, that the lord Home had taxed thoſe on the march that were not able to ſerve, and commanded the others to be ready at an hour's warning; adding, that "No man can tell what he mindeth to do; but we look rather for ill than good." Haynes, p. 314.

Norfolk took particular care of the ſecurity of the borders, having for this purpoſe levied a conſiderable body of light-horſemen; the chief direction of which he intruſted to Sir John Forſter, who was eſteemed the fitteſt man in Northumberland for that ſervice. [The only man to ſerve in Northumberland, Norfolk's words. Haynes, p. 275.] He alſo retained with him Sir Francis Leake, as a perſon moſt proper to be employed on any emergent occaſion, from his knowledge of the country, and great military experience.

* *Garded* is the word, both in Stowe and Holingſhed. Sir Ralph Sadler, Sir Francis Leake, Sir John Forſter, and Sir Nicholas Strange, had the charge of ſeeing them ſafely conducted; and having ſeen them out of danger, came, a day or two before them, to the camp.

Sir George Howard, who had been ſent to the duke of Norfolk at Berwick, to inform him of the ſtate of the ſiege, returned to it on the 25th of April, with Sir Richard Lee, under an eſcorte of five hundred horſemen. Ten days after, theſe two knights departed from the Engliſh camp towards Berwick, conducted by ſome companies of horſe. Norfolk, ſpeaking of ſending Sir Richard Lee to the Engliſh camp, ſays, that he ſent him the better to know the ſtate of Leith, Edinburgh, and Inchkeith; the two laſt named of which places, it had been propoſed to attack, (while the ſiege of Leith was carrying on) and to prick our men forwards to the atchieving of their intended enterpriſe there. Sir Richard Lee made a plan of Leith and ſent it to the queen. Stowe. Haynes, p. 296, 297. 307.

Elizabeth, Q. of England. 1560.

April. Nine hundred * more arrived, a few days after a repulſe and conſideaable loſs ſuſtained by the Engliſh, in a too haſty and ill-conducted attempt they made to ſcale and ſtorm the town. A great part of the blame of this miſcarriage was laid on Sir James Crofts, who did not make the aſſault on the part of the wall aſſigned to him. The duke of Norfolk, concurring with lord Grey in his accuſation of Crofts, and inſinuating that he had a ſecret correſpondence with the queen-regent of Scotland, and had oppoſed the expedition into that kingdom, ordered him to leave the Engliſh army, and to repair to Berwick: he was from thence ſent to London; and upon an inquiry made into his conduct by the privy council of England, was deprived of his government of Berwick, which was conferred on the lord Grey †. The laſt ſuccours that came from Berwick, in the courſe of this ſiege, were two bodies of three hundred men each ‡; who, ſetting out on the 8th of June, arrived in the camp on the 10th; on which day the queen-regent of Scotland, worn out with vexation and grief, died, in the caſtle of Edinburgh.

May 10, 15. May 7. Camd. p. 41. Haynes, p. 311. 318. 320, 321. 346.

The inteſtine diſquiets of France, where the Guiſes were envied and abhorred, joined to the wiſdom, ſecreſy, and ſpirit of the counſels and meaſures of the court of England, made it impracticable for the French to ſend in time any effectual aid to their countrymen in Scotland. This impelled them to exhauſt all their arts of chicane, in endeavours to amuſe and delude the court of England §; and to ſeparate the proteſtant lords from that court, as well as to divide them amongſt themſelves. The chief agent in theſe negociations on the part of France, was Monluc biſhop of Valence, who came about the middle of March to the court of England ‖, from whence, after a ſhort ſtay, he was allowed to paſs by the way of Berwick into Scotland, and arrived in the Engliſh camp a fortnight after the commencement of the ſiege of Leith. After a week ſpent in vain, in conſulting with the queen regent, and treating with the lords of the congregation, he returned to Berwick, and thence to the court of England; he had not been long there, when the Sieur de Randan

Haynes.

April 22.

May 22.

* Theſe nine hundred were a part of the Berwick garriſon. Norfolk, on receiving the firſt news of a repulſe, ſending away four hundred, and a few days afterwards, at the deſire of Sir Ralph Sadler, five hundred more; theſe latter being Sir Francis Leake's men. The duke thought it hard that the town ſhould be left ſo unfurniſhed, as that of two thouſand men there ſhould be left but one hundred. The duke had ordered three thouſand more men to be raiſed in his lieutenancy, and until they, or a competent part of them arrived, he was fain to furniſh the town with horſemen of the borders, which were but a weak defence if the enemy had been able to do any hurt. Norfolk's letter, May 13. Haynes, p. 306.

† Norfolk, writing to Cecil, June 4, calls Crofts the *Bell-wether* of all his miſchief. Haynes. He did not however loſe the queen's favour, but was afterwards made comptroller of the kingdom. Camden.

‡ The one commanded by Sir John Nevill, the other by captain Bridges and captain Drury. Stowe, Holingſhed.

§ The ſiege of Leith was, in its beginning, much retarded by theſe negociations. Haynes.

‖ Monluc came to London on the 17th of March, and in his way to Scotland, arrived at Berwick April 6, from whence he ſet out on the 20th; the lords of the congregation having ſcrupled much about allowing him to enter Scotland. He returned to Berwick on the laſt of April, having infringed ſomewhat of his ſafe-conduct, which extended to eight or ten days; and he came not back till the eleventh. Haynes, p. 274. 279. 295. 302.

arrived

Mary, Q. of Scotland.

arrived from France, with a commiſſion * appointing the biſhop of Valence, and Randan himſelf, together with the biſhop of Amiens, D'Oyſel, and La Broſſe, who were ſhut up in Leith, plenipotentiaries, to meet on the frontiers of Scotland, with deputies from the queen of England, having the like powers; in order, to compoſe and prevent the farther progreſs of differences that had ariſen between the crowns, by the aſſembling of ſoldiers near the marches, in conſequence of the rebellion of ſome of the ſubjects of Scotland. By a commiſſion thus expreſſed, the court of France ſought to avoid the diſgrace of entering into a treaty with their rebellious ſubjects.

1560. May 22. Keith, p. 143. Rym. vol. xv. p. 581.

The queen of England having appointed her ſecretary Sir William Cecil, and Dr. Wotton dean of Canterbury, her plenipotentiaries †, they ſet out with the biſhop of Valence and the Sieur de Randan, from the court of England, and came to Berwick on the 13th of June. At that place, on the day following, they agreed on certain preliminary articles, by which they fixed Edinburgh for the place of treaty, and the 16th day of the month for the time of beginning it. The object of the other articles, wherein the Engliſh appear to have ſufficiently ſupported the character of the maſters, was to hinder the French commiſſioners from any ſecret practices with Scotchmen ‡. With this view, it was agreed, that the French commiſſioners with their retinue, ſhould enter Scotland, in company with the commiſſioners of England; that they ſhould carry no more money with them than what ſufficed for their ordinary expences, and that neither on their journey, nor at Edinburgh, while the treaty was depending, they ſhould have intercourſe with any, either French or Scottiſh man, without the conſent of the Engliſh commiſſioners §.

May 25.

Keith, p. 131.

* The commiſſion publiſhed by Keith in Engliſh, (p. 143.) is dated the 2d of June, at Remorentin. The commiſſion in Rymer, vol. xv. p. 581. in French, is dated May 2, at Chenonceau. From the time of Randan's arrival in England, the latter appears to be the true date. The words of both commiſſions are the ſame; only there is an article in Keith's copy, empowering the French commiſſioners, to give aſſurance of the clemency of their ſovereigns to the Scottiſh ſubjects on their repentance, that is wanting in Rymer's. This may have been an omiſſion of Rymer's tranſcriber. Or as the places of the dates of the two copies are different, perhaps the defect in the firſt commiſſion, which was very material, had been ſupplied by a ſecond afterwards tranſmitted.

† The duke of Norfolk calls Wotton his uncle. Letter to Cecil, Haynes, 318. Henry Percy and Peter Craw, were joined in commiſſion with Cecil and Wotton; but the two latter are only named in the inſtruments of the treaty, and alone ſubſcribe theſe inſtruments; as on the other part, none of the French commiſſioners appear in theſe inſtruments, except the biſhop of Valence and the Sieur de Randan. Both the French and Engliſh commiſſions give any two of the commiſſioners full powers to act.

‡ The Scottiſh lords, dreading miſchief to their cauſe from the practices of theſe Frenchmen, ſent lord Ruthven to Berwick, to ſignify their deſire to Norfolk, that they might not be ſuffered to come nearer to the borders than Newcaſtle. The lords had heard, that ſeveral captains and engineers had come over with Randan, as his ſervants, with a view to join their countrymen in Leith. Haynes, p. 320.

§ Cecil, writing from Berwick, June 15, to Sir William Petre, chancellor of the garter and privy counſellor, ſays, "We be ſo traverſed withal by this French biſhop, as we can make no certainty 'of our proceedings. All yeſterday was ſpent in articles touching our entry, our manner of treaty, 'the abſtinence of wars; and ſo agreed, as we determined, to take our journey this morning. 'Yeſternight they forbore ſigning them upon cavillations, and yet gave us hope that they would 'finiſh them by four o'clock this morning, and now, until this hour, which is ſix, we cannot have 'ſpeech of them, excuſing themſelves by long ſleep.'

Elizabeth, Q. of England. 1560.

This treaty did accordingly begin at Edinburgh on Monday the 16th, but although in one of the Berwick preliminaries, it was agreed to finiſh it, if poſſible, on the Saturday following; yet ſuch difficulties aroſe, and ſo many particular circumſtances were neceſſary to be adjuſted, that the negociation continued *full three weeks*, by which time the garriſon at Leith were reduced to the greateſt extremities. The agreement which was at laſt concluded, was reduced into three different inſtruments *. By the firſt, were fixed the circumſtances of the demolition of Leith. This was to be carried on with all poſſible diſpatch, by the French and Scots of the reformed party, with the aſſiſtance of the Engliſh, if neceſſary. But as ſoon as the demolition was completed, the *Engliſh foot* † were to retire to Muſſelburgh; and the French forces in Leith were to be embarked on board Engliſh ſhips, which were to carry them to France; and when the embarkation was finiſhed, the Engliſh were to march to Berwick, where, after being muſtered and receiving their pay, they were to be diſmiſſed. The ſecond inſtrument contained a treaty between the king and queen of France and Scotland on the one part, and the queen of England on the other. By this, the treaty concluded at the caſtle of Cambreſis, in the preceding year, was in all points confirmed. But as in conſequence of the diſturbances that had ariſen in Scotland, ſoon after the concluſion of that treaty, the fortreſs of Eyemouth, which was appointed to be demoliſhed and raſed to the ground, was not yet reduced to that condition, although its demolition had been begun; it was now agreed, that it ſhould be entirely deſtroyed before the end of four days, to be reckoned from the commencement of the demolition of the fortifications of Leith; and if needful, the Scotchmen intruſted with the direction of this work by the Engliſh ambaſſadors, were to have the aſſiſtance of Engliſh pioneers and workmen. By other articles of this treaty, it was agreed, that Francis and Mary ſhould no longer aſſume the arms and titles belonging to Elizabeth; and that, at the interceſſion of Elizabeth, they ſhould extend their clemency and bounty to the nobility and commons of the kingdom of Scotland, by granting them certain requeſts, tending to the honour of the ſovereigns, and the general order and tranquillity of the kingdoms. Under this form of conceſſions, graciouſly made by the king and queen of Scotland to their ſupplicating ſubjects, was drawn up a third inſtrument, containing the articles demanded by the congregation for their liberty and ſecurity both civil and religious. In this inſtrument, the circumſtances of the removal of the French troops were more diſtinctly ſettled. All of them were to be carried to France except an hundred and twenty, to be left in the forts of Dunbar and Inchkeith, ſixty in each; and proper regulations were made for hindering theſe ſmall garriſons becoming any way oppreſſive or dangerous to the country. Certain new works erected at Dunbar, ſince the beginning of the late troubles, were to be thrown down without delay; and no fortifications were to be henceforth anew erected or

Haynes, p. 329, —340.

July 5, 6. Rym. vol. xv. p. 591.

Rym. ib. p. 593.

Keith's Hiſt. p. 237.

* Two of theſe are given by Rymer, the third is in Keith. There ſeems to have been a fourth, wherein the circumſtances of the removal of the French forces were more diſtinctly ſettled, than they appear in the inſtruments abovementioned.

† Foot of the Engliſh army. (Words of Treaty.)

augmented,

augmented, nor thoſe now to be demoliſhed repaired, without the conſent of the ſtates. The peace being thus concluded, the French army, ten days after, put to ſea in Engliſh bottoms *. The Engliſh army, at the ſame time, began their march towards Berwick †; and, as they paſſed by Dunbar, took care that the new works lately added to that fortreſs, ſhould be demoliſhed according to the treaty. The Scottiſh nobles who had called them to their aid, did, in teſtimony of their gratitude, convey them ſome miles, in their march homewards; and the prior of St. Andrews, and Maitland of Lethington, accompanied them all the way to Berwick ‡.

Mary, Q. of Scotland. 1560. July 16. Haynes, p. 357. Hol. Sc. Chr. p. 375. Keith, p. 1456.

The important tranſactions above related, with regard to Scotland, did naturally render the ſtate of the garriſon and fortifications of Berwick, an intereſting object to the queen of England and her miniſtry. A reſolution was formed to make the place ſtronger than it had ever been. For this purpoſe its compaſs was much reduced, and its new walls and ramparts on the land ſide laid out and conſtructed, according to the method of fortification not long before invented §. At the ſame time, its garriſon, which had formerly conſiſted of five hundred men, was conſiderably augmented, and thoſe who ſerved in it had an additional pay; their diſcipline was alſo rendered more ſtrict. By theſe means the place was not only made ſtronger againſt the attacks of enemies, but became an uſeful nurſery of military men, and afforded a comfortable retreat for *veterans*. Theſe works were begun and carrying on in the time of the expedition into Scotland **, as appears from what is above related; but were not finiſhed till two or three years after. The lord Grey of Wilton ſucceeding, as was before obſerved, Sir James Crofts, ſoon

Camd. Hiſt. Eliz. p. 61[illegible].

* There were four thouſand and odd perſons to be tranſported to France, with their armour and baggage. Haynes.

† Cecil writing to Sir William Petre on the 14th, ſays, "That there was no reaſon that Norfolk "ſhould tarry in Barwyk, having no lodging there either meet for him, or I aſſure you (adds he) "meet for my poor countenance."—He recommends in this letter, Sir Francis Leake, as an interim governor, on account of his being acquainted with the frontier. In a letter written eight days before, he ſays, that it had been ſignified by the queen, that two thouſand ſoldiers ſhould remain at Berwick beſides the old ordinary garriſon; but he took it to be meant beſide the new ordinary, which is two thouſand, and that there ſhould be other two thouſand; for that the old ordinary was not ſix hundred and twenty. And until he heard the contrary, he meant to ſtay four thouſand men at Berwick for one month's ſpace.—Norfolk did not remain long at Berwick. From a letter publiſhed by Haynes, it appears he was at Newcaſtle on the 29th of July. Haynes, p. 353. 358. 360.

‡ Lethington writes from Berwick July 19, to the lady Cecil, a polite and obſequious epiſtle; it appears from this and other letters in Haynes's collection, that the earl of Arran and lord James did alſo pay great court to this lady, for the ſake, no doubt, of gaining favour with her *miſtreſs* and *huſband*.

§ In conſequence of theſe improvements, Camden calls it, *munitiſſimum totius Britanniæ oppidum*. The manner of fortifying with baſtions began in the time of Francis I. and Charles V. or at ſooneſt of Louis XII. One of the firſt towns on this ſide of the Alps, fortified regularly with baſtions, was Landrecy, executed by Francis. New Heſden on the frontiers of Artois, was ſoon afterwards fortified by Charles V. in the time of Henry II. P. Dan. vol. i. p. 602.

** In an order of Guild, dated January 17, 1560, mention is made of perſons having their houſes taken down *for the work*. The members of the Guild were ordered to pay of every pound eight-pence to them, that were appointed to ſute the ſame at the council's hands. In another order in 1562, a tower in Hide-hill (a ſtreet in Berwick) is mentioned as taking down for the queen's fortifications. Sir Richard Lee, ſurveyor for theſe works, had valued it at 160 l.

Elizabeth, Q. of England. 1560.

after the return of the Engliſh army from Scotland, was the firſt who bore the title of *Governor of Berwick* *; his immediate predeceſſor Crofts being entitled *captain of the town and caſtle.* This change ſeems to have ariſen from the caſtle being neglected, in conſequence of fortifying the town on the new plan; for that ancient fortreſs, which adjoined immediately to the ſouth-weſt corner of the old town wall, was left at the diſtance of ſeveral hundred yards without, from the neareſt part of the new fortifications. When the lord Grey entered to his charge, he received from the queen a ſet of new orders for the government of the town and garriſon; which had become neceſſary, both from the neglect of ancient regulations, and becauſe the garriſon was now much greater than it either was indeed, or was ever meant to be, when the ancient orders were framed. Theſe orders however, as is declared in the introduction to them, were only intended as an *interim* eſtabliſhment, by which preſent defects and irregularities might in ſome degree be remedied, until the fortifications were completed, and a fixed garriſon ſettled in the place. While this care and expence was beſtowed on Berwick, the other places of ſtrength near the border towards Scotland were not neglected; the charge of inſpecting and repairing all ſuch fortreſſes, as were ſituated within twenty miles of the border, being committed to perſons properly qualified by their rank and abilities for that truſt.

Berwick Archives.

Oct. 2.

Camd. ib.

Theſe meaſures of ſecurity and defence on the part of Elizabeth were not taken without juſt cauſe. For though the treaty of Edinburgh was ratified by her within the ſtipulated time, yet the queen of Scots and her huſband refuſed their ratification. And though Mary's widowhood, which happened a ſhort while after, rendered her far leſs formidable, yet the influence of her uncles made her ſtill obſtinate in denying the ratification; which Elizabeth, by her ambaſſadors, earneſtly ſolicited, as the only method of obliterating paſt jealouſies and quarrels, and eſtabliſhing a firm friendſhip between them. Meantime Elizabeth was careful to cultivate her intereſt with her friends, the nobles of the Scottiſh congregation; while they, juſtly regarding her as their ſureſt ſupport, were no leſs aſſiduous in courting her favour and protection. Hence aroſe great quiet on the borders, and as it is expreſſed in a letter of Elizabeth to the Scottiſh council, "a better peace betwixt the realms, than ever was heard "of in any time."

Sept. 2. Rym. vol. xv. p. 60. Dec. 4.

Keith's Hiſt. p. 168.

A. D. 1561.

Mary, finding her reſidence in France diſagreeable after the death of her huſband, and being ſolicited by her ſubjects of both parties to return to her native kingdom, did, notwithſtanding her being refuſed a ſafe-conduct from Elizabeth, reſolve on a paſſage by ſea from France to Scotland, and happily accompliſhed it. She was received with great joy by her ſubjects; and com-

Aug 19.

* So he is called in a manuſcript copy of orders given him, at the time of his entrance to his government. In the introduction to the ſummary of new orders that were made, on the earl of Bedford's ſucceeding lord Grey in Feb. 1564, it is ſaid, that this book of orders could not be found ſince lord Grey's death. In that introduction it is alſo ſaid, that the laſt mentioned orders were delivered to lord Grey, "upon the encreaſe of the garriſon at Berwick with a new crew, in the "ſecond year of the queen's reign; and the placing of the late lord Grey of Wilton, now deceaſed, "as *governor* there.

menced,

menced, immediately after her arrival, a friendly correſpondence with Elizabeth, which ſubſiſted a conſiderable time. Her friends in France, aware of the power of the lords of the congregation, which the queen could not at firſt have any proſpect of ſubduing, had adviſed her to yield to the neceſſity of the times, and to place her brother, the prior of St. Andrew's, at the head of her councils. This ſtep, which the queen immediately took upon her arrival, did at once procure domeſtic tranquillity, and preſerve concord with the court of England, who were in the greateſt confidence with her brother. Mary, though willing to abandon the arms and titles of the Engliſh queen, yet refuſed to ratify the treaty of Edinburgh, as being prejudicial to her juſt claim of the crown of England, upon the demiſe of Elizabeth without heirs *; and Elizabeth, though offended at Mary for propoſing, by her ambaſſador Maitland of Lethington, to be declared the heir-apparent of the Engliſh crown, did yet give hopes of doing what was reaſonable and ſafe in that matter, if Mary would gratify her with regard to the treaty of Edinburgh. A correſpondence, by letters, abounding in expreſſions of mutual affection and regard, was carried on for ſome time betwixt the queens. And a perſonal interview, in the following ſummer, was propoſed, as the beſt method of compoſing diſſenſions, and cementing an entire friendſhip.

Mary, Q. of Scotland. 1561.

Haynes, p. 376, 379.

Meantime the accuſtomed diſorders began to prevail in the marches; and Mary, to give a ſpecimen, in the beginning of her government, of her love of peace and juſtice, reſolved to exert an unuſual vigour in ſuppreſſing them. For this purpoſe, ſhe appointed her brother the lord James her lieutenant and juſticiary, empowering him to hold courts at Jedburgh, for the trial of offenders; and with advice of the council attending him, to employ ſuch forcible methods as ſhould appear neceſſary, for ſeizing malefactors, and deſtroying their houſes and places of defence. The banditti, at that time, were ſo numerous and daring, that, in order to enable the queen's lieutenant effectually to ſubdue and extirpate them, the nobles, freeholders, and fighting-men of the eleven neareſt counties † were ſummoned by the royal authority to accompany him; having ſufficient armour and proviſion for twenty days. The lord James did not wield the ſword of juſtice in vain. More than twenty of the banditti were apprehended and executed ‡. Many of the houſes that harboured or defended them were burnt: above forty priſoners were carried to Edinburgh to be tried there. The chieftains of the borders were alſo obliged to repair to Edinburgh, to receive orders from the queen for preventing acts

Keith, p. 198, 199, 200. Nov. 15.

* Mary, writing to Elizabeth, January 5, 1562, ſays, "How prejudicial that treaty is to ſic title and interes as be birth and natural deſcente of your awin linage may fall to us, be very inſpection of the treaty itſelf you may eaſily perceive, and how ſlenderly a matter of ſic great conſequence is wrapt in obſcure termes." Haynes, p. 377.

† Theſe were, the ſhires of Berwick, Roxburgh, Selkirk, and Peebles, the three Lothians, Stirling-ſhire, Clackmannan and Kinroſs-ſhires, and the ſhire of Fife. The fighting-men of theſe counties were to meet the queen's lieutenant, or juſtice, at Lauder, on the 13th of November, and to paſs with him to Jedburgh, where the juſtice-court was to begin to be held, on the 15th.

‡ Randolph, in his letter to Cecil, (Keith, p. 205.) ſays, that twenty-two or twenty-three of them were hanged. J. Knox ſays, there were twenty-eight of one clan, beſide others. Buchanan ſays, twenty-eight of the fierceſt of them. Knox, p. 294. Buchanan, l. 17.

of

Elizabeth, Q. of England. 1561.

of injuſtice and violence amongſt their dependents for the future. The lord James had, during this expedition, a meeting at Kelſo with the lord Grey and Sir John Forſter, the wardens of the eaſt and middle marches of England; and ſettled with them proper meaſures for keeping peace and order on both ſides.

A. D. 1562. Haynes, p. 386.

In the following ſummer, Maitland of Lethington, Mary's principal ſecretary, was ſent by her to the Engliſh court, to conclude the agreement and ſettle the terms of the interview propoſed betwixt the queens. He ſoon obtained Elizabeth's conſent to meet with Mary at York, or ſome other convenient place on the north of the Trent, in the Autumn of that year; if the troubles in France ſhould be compoſed before the end of June, of which there was then a probable appearance. Advertiſement being ſoon after received of an accord between the Prince of Condé and Guiſe, Elizabeth empowered lord William Howard of Effingham, her chamberlain, to ſettle with Lethington articles for ordering the interview, and for giving full ſecurity to the queen of Scotland and her train while in England. Theſe articles were accordingly agreed between the two commiſſioners *, a ſafe-conduct was drawn up, and all manner of preparations was beginning to be made for the reception and entertainment of Mary and her retinue, when intelligence arrived from France, of the civil diſſenſions breaking forth anew in that kingdom with freſh violence; the Guiſean party having deceived Condé, and proceeding to ſuch extremes of cruelty againſt the Proteſtants, as were very alarming to all of that religion. Theſe circumſtances made Elizabeth and her council of opinion, that it was imprudent to leave her capital at the time intended. But ſhe had no ſooner taken this reſolution, than ſhe ſent Sir Henry Sidney to Mary, to declare her great ſorrow for being diſappointed of the expected viſit of her beloved ſiſter; and to explain at length the reaſons that made her change her reſolution. He was alſo inſtructed to propoſe an interview in the ſummer of the following year, and carried with him a ratification of the articles abovementioned for Mary's ſecurity, extended to that time. But Elizabeth ſoon after openly joining the French Proteſtants, Mary, both from her zeal in religion, and fear of wholly loſing the friendſhip of her uncles, refuſed to conſent to the interview, unleſs ſhe ſhould be adopted by Elizabeth as her heir, and declared ſucceſſor to the crown by the parliament of England; conditions which Elizabeth was too jealous of her power and ſafety ever to admit.

Ib. p. 389.

Ib. p. 391, 392.

Ib. p. 393.

Camd. p. 66.

* Mary's retinue was allowed to conſiſt of a thouſand. If ſhe pleaſed, ſhe might enter England by the town of Berwick, ſo as her train, within that town, exceed not the number of two hundred perſons at one time; and that, in the whole, from the time of her entry, to her return, there might paſs through that town, the number of three hundred perſons, and not above, and the reſt to paſs by Norham and Wark. The moneys of Scotland not being current in England, it was agreed, that either the treaſurer of Berwick, receiving from the officers of Mary, 10,000 *l.* or leſs, of gold or ſilver of Scotland, ſhould give in exchange an equivalent ſum of the moneys of England. Or that the queen of England ſhould make the Scots moneys, at their juſt proportional value to that of the current coins of England, to be current in England, from the time of the queen of Scotland's entry, and for ſix months after it. Haynes, p. 390.

Queen

Mary, Q. of Scotland.

1562. Camden.

Queen Elizabeth embarked in the ſupport of the French Hugonots, from conſiderations ſimilar to thoſe that induced her to eſpouſe the cauſe of the Proteſtants in Scotland. But her ſucceſs in Scotland and France was not equal. For, her allies † in the latter kingdom deſerting her, ſhe was reduced to the neceſſity of defending Havre de Grace ‡, which the Proteſtants had put into her hands, againſt the combined power of her enemies and late friends. But the plague breaking out in the garriſon during the ſiege, it became impoſſible to retain an acquiſition which, it was once hoped, might have been the mean of procuring the reſtitution of Calais *. The queen of Scotland, during theſe tranſactions, was induſtriouſly careſſed by Elizabeth; and the miniſters of the former being, at the ſame time, firmly attached to the Engliſh intereſts, ſhe was not, as was almoſt always the caſe of her predeceſſors, drawn openly to quarrel with England, in the cauſe of France.

A. D. 1563.

New diſorders ariſing on the marches, and experience ſhewing the expediency of making additions and amendments to former regulations, contrived for that turbulent ſcene; commiſſioners § from both queens, in the autumn of this year, met, for this purpoſe, firſt at Carliſle; whence, paſſing to Dumfries, they did there draw up and confirm, with their ſigns and ſeals, a convention, conſiſting of ſeveral articles. This convention begins with repreſenting, that the treſpaſſes and injurious attempts on each ſide were become ſo numerous, that the redreſs of them all was impracticable, without bringing ſuch diſtreſs on the inhabitants, as would greatly weaken the frontiers of both realms. It was therefore reſolved to temper juſtice with clemency; that ſubjects who had been diſorderly, might be gained by the goodneſs of their ſovereigns; and that future offenders might undergo the greateſt rigour of juſtice. For effecting theſe good purpoſes, the commiſſioners were commanded, by their reſpective ſovereigns, to proceed at the preſent meeting, not as parties for the one or other kingdom, but with perfect indifference, as choſen for both kingdoms, to reduce the borders of each realm to good order; and to conſent to all things that tended to the continuance and eſtabliſhment of the preſent amity and peace between the two queens and their realms.

Sept. 23. Nicholſ. Border Laws, p. 84—103.

With theſe views, it was agreed, that redreſs ſhould be made by the officers of each realm, within their proper diſtricts, for all murders, ſlaughters, and offences, formerly committed, and contained in rolls now ſubſcribed by the commiſſioners, and delivered by thoſe of either ſide, to thoſe of the other;

† The prince of Condé and admiral Coligny.

‡ A ſupply of three bands of one hundred men each, under the captains Tremaine, Cornwall, and Carew, was ſent from Berwick, and arrived at Havre, June 9th. Holingſ. Eng. Chron. p. 1202. Strype ſays, that three old bands were ſent from Berwick, in the preceding December, to go thither. Strype, vol. i. p. 367.

* The remainder of the garriſon of Havre brought over with them to England the plague, which, in the city of London, deſtroyed, within a year, twenty-one thouſand five hundred perſons. Camden.

§ The commiſſioners on the part of England were, the lord Scroope of Bolton, warden of the weſt marches, Sir John Forſter warden of the middle marches, Sir Thomas Gargrave, vice-preſident of the council of the north, and John Rookby LL. D. and one of the ſaid council. And on the part of Scotland, Sir John Maxwell of Terreagles, and Sir John Bellenden, juſtice clerk.

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but that all tranſgreſſions, committed before the tenth day of the preſent month, and not contained in the abovementioned rolls, ſhould be put to perpetual oblivion, and never become the ſubject of any future complaint. But with regard to offences committed ſince the tenth, or that ſhould, on either ſide, be hereafter committed, it was ordered, that the officers, in whoſe diſtricts the offenders reſided, ſhould redreſs them as ſoon as might be, according to laws and regulations formerly in force, and to thoſe in the preſent convention. In order to which, the wardens ſhould hold their days of march frequently, and attend them in perſon, as often as they could; not leaving them to be held by their deputies, without ſome great and juſt occaſion. Theſe days of march or truce were to be kept at leaſt once a month, and the meetings to be continued, from day to day, until all cauſes brought before them were diſcuſſed, and juſtice diſpenſed according to the treaties; ſo that redreſs ſhould not be confined to damages of equal amount, or the ſame number of bills on each ſide, but every complaint ſhould have a fair hearing and deciſion. For the farther enſuring of theſe equitable proceedings, it was ordained, that each warden ſhould, on the next march day held by himſelf, and ever after, once a year, at the firſt meeting after Midſummer, make oath to do juſtice in all complaints brought before him, and belonging to his office and diſtrict, without favour, malice, delay, or any exception: alſo, that, in cauſes referred to him, and in which he was to proceed upon his honour, in the manner explained in the account given of the treaty of 1553, he ſhould make inquiry and redreſs to the utmoſt of his power; and that, if in ſuch cauſes he ſhould in any inſtance abſolve the perſons complained of, and afterwards diſcover the real offender, he ſhould ſtill give juſtice againſt him, although not named in the complaint. An oath, for the faithful execution of their duties, was likewiſe to be made by thoſe joined to the wardens in their inquiries, and by the members of any inqueſt or aſſize for the trial of complaints.

Above, p. 579.

The ſpeedy diſpenſation of juſtice being much promoted by the method of the warden's *inquiring*, *convicting*, and *making deliverance* ‡, upon his honour, with the aſſiſtance of ſix honeſt and reſpectable men of his diſtrict, nominated by the oppoſite warden, this form of proceſs was ordained to continue; but with a proviſo, of its not being thereby meant to derogate from or aboliſh the ancient laws and cuſtoms of the marches, which allowed the *hot trod* for recovery of ſtolen goods; or the trial of an aſſize, before which, a lawful proof ſhould be led, if the plaintiff made choice of this way of trial. It having been alſo found, ſince the order was introduced, of the wardens making inqueſts upon their honour, that ſome wicked men had preſented bills of complaint wholly groundleſs, and thereby affronted juſtice, in leading the wardens to make ſearch concerning what had never exiſted. In order to obviate this abuſe, it was now ordained, that the preſenters of ſuch lying bills, ſhould be delivered to the oppoſite warden, to be puniſhed, impriſoned, or fined, for their offence, according to the deſire of the warden offended.

Above, p. 580.

‡ In the convention, by *ſpearing*, *ſyling*, and *delivering*, upon his honour.

Juſtice

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Juſtice being often much obſtructed by the connivance or protection given by the lords or other proprietors of lands, and their officers and bailiffs, to the tenants and inhabitants of their grounds, it was judged neceſſary and expedient, after the arreſtment of any of this latter claſs as offenders, and intimation given of their offence to the former, that theſe lords, or their agents, ſhould endeavour, to the utmoſt of their power, to make ſuch offenders appear before the warden, to anſwer juſtice in the matters they were charged with. And if the lords or proprietors of lands, or their officers, ſhould fail and be culpable, in this reſpect, then the warden ſhould charge *theſe perſons themſelves*, with the redreſs of the offence committed by any of their people; with the exception, that when the offences were capital, they ſhould not ſuffer death.

It was next agreed, that every warden ſhould ſtrictly maintain his authority, within his own juriſdiction, and make the inhabitants under him, ſenſible of the obedience they owed him. And for the better ſupport of his authority, if any of his people proved refractory and fled over the march, the warden ſo diſobeyed, ſhould give information of the fugitive, to the warden oppoſite to him, requiring him to ſeize and deliver up the offender without delay; which the warden thus required, ſhould do his utmoſt to effect; and, if the fugitive was not in the mean time apprehended, ſhould, within ſix days, cauſe him to be proclaimed throughout his wardenry; and alſo, inform his two neighbouring wardens, that they might, in the ſame manner, proclaim him within their diſtricts. And after ſuch proclamation, whatever perſon entertained or aided the fugitive, ſhould be delivered to *the warden who made complaint*; and in caſe the reſetter did not produce and deliver the fugitive, the former ſhould incur the puniſhment to which the fugitive himſelf was liable. Farther, if the fugitive carried his goods to the oppoſite realm, the warden delivering him up, ſhould retain theſe goods for his pains. But if the fugitive was not apprehended, but only his goods ſeized, the goods were to be reſtored to the warden of the realm he left; and redreſs to be made, as for goods unlawfully received, contrary to the treaty of peace. When ſuch fugitives aſſociated and formed themſelves into a body for mutual defence, whether they belonged to both or either of the realms, the warden of either ſide, when required by the other, to give his aid to purſue and apprehend ſuch criminals, ſhould be ready to do ſo, accompanied by ſuch numbers, and at ſuch times and places as ſhould be agreed upon. And if any rebel or fugitive ſhould make his eſcape, in conſequence of being apprized by any perſon of the deſign or approach of the wardens to apprehend him, the informer was to be delivered to the warden complaining, to ſuffer impriſonment for a year, and to be fined a ſum equal to the value of all his goods; or even to undergo capital puniſhment, if the wardens of both kingdoms found it expedient to inflict it.

For the ſame end, of ſupporting and making effectual the authority of the wardens, it was ordained, that, if any perſon of either realm ſhould come within the other, violently to obſtruct or oppoſe a warden in the execution of his office, he ſhould be conſidered as a public offender againſt the treaty; and therefore, if ſlain, hurt, or apprehended, he ſhould be regarded as a ſubject of the kingdom where his offence was committed, and ſhould not be claimed

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as a ſubject of the kingdom from whence he came: and if he ſhould eſcape to his own country, the injured warden might preſent a bill for recovering him. And on his being convicted of the crime, he ſhould be given up to the plaintiff, to ſuffer puniſhment, at his diſcretion, and as a ſubject of the kingdom where he had offended. The purſuit of offenders or fugitives from juſtice, in *hot trod*, was alſo now allowed to be made by wardens over the march into the oppoſite kingdom. It was declared lawful for the warden to continue this purſuit, until the criminal ſhould be apprehended, and to carry him back to his own juriſdiction, to ſuffer puniſhment. And the ſame warden might require any inhabitant of the oppoſite kingdom, who made reſiſtance to him in this purſuit, to be delivered up to him, to undergo puniſhment at the warden's diſcretion. But it was thought proper, and ordained, that the warden, in thus purſuing, ſhould take the firſt perſon he met with in the oppoſite realm, or one out of the firſt town he arrived at, to accompany and aſſiſt him in this purſuit. Farther, if, in ſuch caſes, any of the company of purſuers ſhould commit any injury in the oppoſite realm, it was appointed, that the offender ſhould be delivered to the oppoſite warden, to be tried and puniſhed, at the diſcretion of that warden and other twelve perſons of that kingdom, to be named by the warden of the other ſide.

The next article was intended as a proviſion for the avoiding of perjury, which had been too common in the valuing of ſtolen cattle; and at the ſame time, for the greater terror of thieves, by aſcertaining the penalties they incurred. For theſe purpoſes, the values of beaſts of different kinds were eſtabliſhed *; according to which, redreſs was to be made, for thefts committed ſince the 10th inſtant, and in times coming. It had been the eſtabliſhed

Above, p. 582.

cuſtom to compel thieves to make redreſs, by paying the principal value of the goods, together with two doubles; but this penalty being found inſufficient to prevent theft, it was now ordained, that thieves, convicted ſucceſſively of three offences, beſides being liable to the reſtitution mentioned above, ſhould, for the third offence, be delivered to the oppoſite warden, and by his authority, ſuffer capital puniſhment. While the penalties of theft were thus aſcertained and increaſed, care was taken to facilitate honeſt men's recovery of their goods that had been ſtolen; by allowing them to ſeek redreſs, either before the warden where the offender reſided, or the goods remained, or, before the warden of the march where the offence was committed; both of theſe wardens being obliged to make lawful reparation.

There had, it ſeems, been inſtances of ſubjects of the one kingdom ſowing corn within the grounds of the other; to prevent ſuch abuſes, it was agreed, that the owner of the ground or warden might deſtroy ſuch corn, if he pleaſed: or elſe he might complain to the oppoſite warden, and the perſon accuſed, if

* Theſe rates were the following: Every ox above four years old, forty ſhillings ſterling; every cow of the like age, thirty ſhillings; every ox above two years, twenty ſhillings; a young cow of the like age, twenty ſhillings; every other beaſt under two years, ten ſhillings; every old ſheep, ſix ſhillings; every ſheep-hog, three ſhillings; every old ſwine, above one year old, ſix ſhillings; every goat above one year old, five ſhillings; every young gayte, two ſhillings; and every double to be valued after the rate of ſingle.

found

found guilty, ſhould forfeit his corn to the plaintiff, pay four times the value of the corn ſown, and ſuffer impriſonment for three months. Mary, Q. of Scotland.

The next article contains an improvement and addition to the article of the convention made at Berwick in 1553, fixing the increaſing rates of parkage and poundage for cattle or ſheep of one realm paſturing within the bounds of the other. It was now agreed, that the beaſts thus wilfully depaſtured, for the ſpace of ſix hours in one day, might be ſeized by the warden, deputy-warden, or proprietor of the ground, to his own uſe, without any claim for redreſs. Only, the warden, or proprietor, when going to ſeize ſuch ſheep or cattle, ſhould take four honeſt and unexceptionable men of his own country, to witneſs the fairneſs and regularity of his proceedings. When the duration of the treſpaſs was leſs than ſix hours, the order eſtabliſhed at Berwick was to take place; and was now enforced by inflicting a penalty on thoſe who violently hindered the ſeizing and detaining of the cattle, until they were ranſomed by paying the appointed rates of poundage. In theſe caſes the beaſts were alſo to be forfeited to the warden or proprietor; *and the queſtions that might ariſe, with regard to the circumſtances of theſe tranſactions* †, were to be determined by the oath of the warden, or his deputy; or by the apprehender, together with ſix other honeſt men of the realm, nominated by the oppoſite warden, and declaring the truth upon their faith and honour. 1563. Above, p. 580.

It often happening that the offender, when convicted of the charge brought againſt him, and delivered to the oppoſite warden in order to his making redreſs, made reſiſtance, and eſcaped to his own country, by which the injured perſon was deprived of his ſecurity for reparation, and much confuſion aroſe at the march-meetings, it was now ordained, that offenders ſo delivered, ſhould remain quiet with the perſons to whom they were delivered up, during all the time of the meeting, and two hours after, on the penalty of ſuffering death, or what other puniſhment the wardens ſhould think proper to inflict. But the offenders here meant were not ſuch as were given up to ſuffer death; for offenders of this claſs were to be guarded in the ſtricteſt manner, until the execution of juſtice upon them.

The puniſhment appointed in the Berwick convention for thoſe who diſturbed the march-meetings, by their brawling and mutual accuſations, ſeeming too ſevere, in leaving no remedy for the complainer obtaining juſtice, it was now agreed, that complaints againſt ſuch as would not, according to their bond and promiſe, re-enter as lawful priſoners, either for themſelves or for others for whom they were bound, or againſt ſuch as refuſed to pay their ranſom, and were liable to other charges of a like nature, *ſhould* be delivered in writing to the warden in whoſe diſtrict the perſon complained of did reſide, *which perſon* the ſaid warden ſhould oblige to appear on the next march-day, to undergo his trial, and receive ſentence, according to equity and the laws of the marches. Above, p. 582.

† And for the proof of this apprehenſion or impounding, or for the number and quantity of the goods apprehended and impounded, and for the time of the remaining of the cattle upon the ground, we will that the ſame be referred and tried by the oath, &c.

It

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It being found that the ſtrict ordinances in former treaties, for puniſhment of treſpaſſes committed on the borders, had, by the remiſſneſs of officers in the execution of them, failed of their due influence, and were even imperfectly known, it was now ordained, that every warden ſhould collect into one book, the treaty of peace concluded at Ladykirk, in which the above-mentioned ordinances were renewed and enforced, the preſent convention, and all other treaties and indentures, made between the commiſſioners of both realms, during the laſt amity and perpetual peace between the nations; and, that, at the march meeting next following midſummer, after taking the oath appointed, they ſhould cauſe the foreſaid book, or thoſe articles in it that tended to the preſervation of friendſhip between the nations, the maintenance of good order, and the puniſhment of offenders, to be read publickly in the hearing of the whole aſſembly.

Above, p. 594.

Certain grounds lying on the frontiers, in the middle and eaſt marches of both kingdoms, affording continual cauſe of controverſy and ſtrife, no deciſion having aſcertained to which realm they belonged; the commiſſioners agreed to ſupplicate their reſpective ſovereigns, to appoint deputies, for hearing the claims advanced to the property of theſe *debatable lands*, and to cut off all occaſion of future ſtrife concerning them, by making a diviſion, and fixing perpetual boundaries and land-marks between the two kingdoms.

Finally, whereas it appeared, that the march-laws had not been duly and uniformly executed; one warden appointing a redreſs of the ſimple value of the goods, others adding to this two doubles; ſome redreſſing with a lower value of goods, others with an higher, ſome permitting the perſon ſpoiled to fix the value of his goods by his oath, others the contrary; it was now ordained, that every warden ſhould regulate his proceedings, by the treaty of peace, the articles of the preſent convention, and others not repugnant to theſe, in former conventions between the commiſſioners of the two kingdoms, and ſhould all uſe the ſame form of judgment and execution, agreeable to the ſame laws, and the cuſtom of the marches formerly obſerved.

Above, p. 582.

Dec. 14. Camden.

The lord Grey of Wilton, dying in the end of this year *, was ſucceeded in the government of Berwick and wardenſhip of the eaſt-marches, by Francis Ruſſel earl of Bedford. The new governor came to Berwick in the ſpring of

* Both Stowe and Holingſhed place the lord Grey's death on the 25th of December of the preceding year. They ſay, he died at Cheſhunt in Hertfordſhire, which Cheſhunt, Holingſhed ſays, was the houſe of Henry Denny eſq; who had married Mrs. Honour Grey, the ſaid lord Grey's only daughter. Dugdale hath followed theſe authorities, in the date he gives of this lord's death. But Camden places his death in the year following, among the deaths of the other illuſtrious men related by him, as uſual, at the end of the events of that year. Camden's account is confirmed by the date of the MS. orders that were drawn up for Bedford, at his entering to his government. There is alſo marked in an account extant in the ſecond Berwick guild-book, the ſum of 6*l.* 9*s.* 3*d.* as laid out for ſugar and wine to my lord Bedford, for entertaining him, no doubt, when he came to take poſſeſſion of his government; which money is paid out of the ſecond quarterly receipt of the town's revenues, reckoning from Michaelmas preceding, which ſhews that Bedford came to Berwick before the 25th of March 1564. Yet in a minute of Cecil's, dated Auguſt 7, 1563, of things proper for annoying the French and ſecuring England againſt them; one of the things is, to look well to Berwick, and to appoint forthwith a captain there and a marſhal. Had the captain's place been vacant ſo long after lord Grey's death?

the

Mary, Q. of Scotland.

A. D. 1564. Feb. 27. Randolph's Let. 14 Apr. Keith, p. 252.

the following year; and on entering to his charge, received a ſet of orders for governing the town and garriſon, additional to thoſe that had been in force in the reigns of Henry VIII. Edward VI. and Mary, and wherein conſiderable alterations and additions were likewiſe made to the collection of orders given to lord Grey four years before. Theſe new regulations did in particular ſtate the rank and ſubordination of the principal officers, who were to aſſiſt the governor in his charge, and to conſtitute his council. The officer next to him was the high marſhal, which charge was at this time conferred on William Drury. The others in ſucceſſive ſubordination, were the treaſurer, chief porter, and maſter of the ordnance. Theſe four officers the governor had authority from time to time to convoke as his counſellors, in ruling the town and garriſon; and in difficult cauſes, where it was proper to have the advice of others, the governor might call in able and experienced men, reſiding either in the town or eaſt-marches, to be aſſiſting with their counſel for the time, but without thereby acquiring the character of counſellors. Forms were alſo appointed of the oaths to be adminiſtered to the governor and his fellow-counſellors, as alſo to the clerk of the cheque, the captains of bands, and every common ſoldier, upon their admiſſion to their ſeveral places in the garriſon *.

Nicholſon's Border-Laws.

The neighbouring queens, notwithſtanding paſt offences, continual jealouſies, and much female emulation, had powerful motives to cultivate peace with each other. Elizabeth was induced to this by the hazards that threatened her from Spain, and the houſe of Guiſe, abroad; as well as from the plots of the papiſts at home, who were almoſt all in the intereſts of the queen of Scots. Mary, on the other hand, deſired above all things, to obtain a declaration of her right of ſucceſſion to the crown of England; which the friendſhip of Elizabeth was the moſt certain mean of procuring. Her correſpondence with her ſecret friends in England could not be maintained, if ſhe ſhould break openly with Elizabeth. And the great intereſt that this latter queen had amongſt the Scottiſh nobility and reformed clergy, together with Mary's ſcanty revenue, and very imperfect authority over her ſubjects, diſcouraged her from all violent proceedings. But the outward harmony, which, by the circumſtances and conſiderations above mentioned, was long preſerved between the queens, was much diſturbed by Elizabeth's thwarting Mary in various projects of marriage formed by the latter. Her eſpouſing a catholic prince, either of the families of France or Auſtria, Elizabeth could not admit of, as threatening the ſubverſion both of her throne and religion. But when Elizabeth's oppoſition and other circumſtances had determined Mary to abandon the views of a foreign alliance, ſhe was greatly offended by that

* The journal of the houſe of lords in the parliament that met January 11, 1563, begins with a bill for the good ordering and governing of the queen's majeſty's garriſon of the town of Berwick. (Parl. Hiſt. vol. iv. 10.) Sir Simon D'Ewes's account of this matter is, On Tueſday the 19th of Jan. four bills had each of them one reading, of which the firſt, being for the good order and government of the garriſon of Berwick, was read *ſecunda vice & commiſſa ad engroſſandum*. On Wedneſday the 20th of January, the bill touching the government of the garriſon of Berwick, was read *tertia vice et concluſ.* and ſent to the houſe of commons by ſerjeant Carus, (*ita*) and the queen's attorney. D'Ewes's Journ. p. 67.

Elizabeth, Q. of England. 1564.

queen's propoſing for an huſband, her favourite the lord Robert Dudley, afterwards earl of Leiceſter. This match Mary regarded as unequal and diſhonourable, and at the ſame time had reaſon to believe the offer inſincere; Leiceſter being in ſuch high favour with Elizabeth, that it was not probable ſhe would part with him *. Yet this match was the ſubject of a long correſpondence between the courts, and was the principal matter of a conference held at Berwick; in which the earl of Bedford, and Randolph, Elizabeth's reſident at the Scottiſh court, acted as commiſſioners from the queen of England, and the earl of Murray and Lethington, who had ſtill the principal direction of the affairs of Scotland, were commiſſioners from the queen of that kingdom. This conference laſted three days †; but the want of ſufficient inſtructions, on the part of the miniſters, owing to an equal want of inclination in the minds of their miſtreſſes, hindered any thing from being concluded.

Nov. 19.

Strype. Ann. Eliz. vol. i. p. 456. 458. Keith.

After much uncertainty, and many diſappointments and delays, Mary at laſt formed the reſolution of eſpouſing her couſin Henry lord Darnley, eldeſt ſon to Matthew earl of Lennox; which earl had reſided in England ever ſince he abandoned his own country; and as the price of his allegiance and ſervices, as is above related, had received in marriage from Henry VIII. his niece the lady Margaret Douglas, by whom lord Darnley was his ſon. Darnley being a native of England, and the eldeſt male deſcendent of Henry VII.'s eldeſt daughter, was thought by many to have the beſt right to the Engliſh crown; to which Mary would, therefore, by taking him to her huſband, ſtrengthen her title. In order to effectuate this project, Lennox was invited home, his attainder was taken off, and eſtate reſtored. Afterwards his ſon alſo obtained with difficulty permiſſion to come to Scotland; and by the bloom of his youth, and extraordinary beauty of his perſon, ſoon gained the affections of the queen; converting what was before a matter of cool and uncertain policy, into a moſt ſerious affair of the heart. Queen Elizabeth had a malignant pleaſure in traverſing the ſchemes of her neighbour, whether proceeding from the one or the other, and this malignity conſpired with her accuſtomed policy of fomenting inteſtine diſcords in the countries in her neighbourhood, that they might not be able to give any diſturbance to herſelf. Lennox's family were papiſts; although Darnley had conformed to the proteſtant worſhip in England, as he ſometimes afterwards did in Scotland. This alarmed the proteſtants in Scotland, who had already ſufficient cauſe of fear from the inflexible attachment of the queen to the old ſuperſtition. The ancient enemies of the houſe of Lennox, eſpecially the Hamiltons, were offended at the reſtoration of that houſe to their former dignities and poſſeſſions, as well as envious of their new intended aggrandiſement; and Murray

* There is a remarkable letter of ſecretary Cecil to Chriſtopher Mundt, agent for the queen's affairs in Germany, declaring the extraordinary friendſhip the queen had for the lord Robert; but that ſhe would never marry him. "*Hoc unicum fore illi impedimentum quod natus ſit ſubeſſe reginæ*; although, *tanta exiſtimatione dignus, ut merito poſſit eſſe reginæ maritus.* (Haynes, p. 420.) Said to be written *juſſu reginæ.*

† The profeſſed deſign of this convention was to ſettle amicably the affairs of the borders. Strype, ib.

and

and Lethington, who ever ſince the queen's return had governed all public affairs, were jealous of being ſupplanted by the influence of a beloved huſband. Theſe offences and fears were increaſed by the folly and inſolnce, that ſoon appeared in Darnley's converſation and behaviour. The queen of England encouraged the domeſtic diſcontents and oppoſition to the propoſed marriage in Scotland, declared openly againſt it by her ambaſſadors, and impriſoned lady Lennox in the Tower. But Mary, favoured in her deſign by far the greateſt part of her nobles, and by her friends both in England and in France, and having good reaſon to believe that Elizabeth in oppoſing it would not proceed to extremities, reſolved to carry it ſpeedily into effect. This however ſhe could not do ſecurely, without the preſence of her friends armed in her defence. For Murray having forſaken the court, and joined himſelf with the duke of Chatelherault and ſome other lords, in defence, as they declared, of their religion, which they pretended was endangered by the preſent match, this aſſociation were aſſembling their friends and vaſſals, in order to hinder it by open force. But the queen iſſuing her ſummons to her ſubjects to attend her in arms, ſuch numbers of them obeyed, as enabled her to proceed to the celebration of her marriage with perfect ſafety *. She was, on this occaſion, well ſerved by her chieftains on the marches; particularly by the lord Home †, and the lairds of Ceſsford and Farniherſt, who repaired to her at Edinburgh, accompanied with numerous bodies of their friends and followers. They alſo ſoon after gave her good aſſiſtance in ſuppreſſing the inſurrection of the above mentioned nobles; who, being unable to gain the nation to their ſide, or to make head againſt the much ſuperior numbers ‡, aſſembled under the banners of the queen and her huſband, retired before them to Dumfries, and thence into England; where they met with a reception from Elizabeth not at all of a piece with the encouragement ſhe had lately given to their violent proceedings.

Mary, Q. of Scotland. 1565.

June 24. Keith's App. p. 161.

July 29.

Not many days before the celebration of the queen of Scotland's marriage, the earl of Bedford arrived at Berwick. To his government of that place and wardenry of the eaſtern marches was added the charge of lieutenant-general of

July 20. Keith's App. p. 162.

* At the time of her marriage, ſhe iſſued proclamations conferring the title of king of Scots upon her huſband, and commanding that henceforth all writs at law ſhould run in the joint names of the king and queen. Keith, p. 307.

† Lord Home had, at this time, hopes given him of being created earl of March. (Letter of Randolph in Keith, p. 283.) Randolph adviſes his miſtreſs to find Home buſineſs at home, by hiring ſome of the Elliots (*ſtrapand* he terms them) to oblige him to keep at home, and to take care of his corn and cattle. Keith, p. 295.

‡ The lords and gentlemen in different diſtricts ſubſcribed, on this occaſion, bands or aſſociations, in ſupport of the queen. That of Tiviotdale was ſubſcribed at Edinburgh 23d of September, by Ceſsford, Farniherſt, Thomas Turnbull of Bederule, John Rutherford of Hunthill, Andrew Ker of Littledean, John Mow of that ilk. (Keith's App. p. 113.) The number of aſſociators is not great; and it appears, that the men of Liddiſdale, the higher part of this county, were at that time wholly in the intereſts of England, and could not by all Bothwell's promiſes be engaged to give aid to their queen. (Keith's App. p. 165. Letter of 13th of October from Sir John Forſter to Sir William Cecil.)

Elizabeth, Q. of England. 1565.

the borders *. The earl of Bothwell whom the queen had recalled from France, in order to ſtrengthen her party, had the like charge of lieutenant on the ſide of Scotland †. Bedford, a few days after his coming to Berwick, was ſolicited, by a letter from the earl of Murray, to give his aid to himſelf and the other lords aſſociated with him againſt the queen, by diſtreſſing their enemies in his neighbourhood. To this ſervice Bedford was ſo well inclined, that he requeſted his miſtreſs's allowance to aid the earl of Murray, conſenting to bear the blame of it himſelf; or rather, his ſecret inſtructions when he left the court, were to proceed in this manner. For Elizabeth had no intention in the preſent quarrel, by hoſtilities authorized on her part, to break the peace between the nations. But, as an open war was ſtill more to be dreaded by Mary, the Engliſh queen appears to have inſtructed or allowed her lieutenant to make wide ſteps towards an entire rupture. Such would have been the ſeizing and fortifying of Eyemouth, which Elizabeth recommended to him; but which Bedford declined, on account of the great difficulty that attended both the taking and ſure keeping of it. Soon after, when Murray and his aſſociates were obliged to retire to Dumfries, Bedford had orders to ſend three hundred of his ſoldiers to Carliſle, to be near, to ſecure their retreat into England.

Keith's App. p. 162. Letter, July 25.

Strype, vol. i. p. 443. 506.

Keith's App. p. 164.

The appearance or rumour of any miſunderſtanding between the ſovereigns of the two kingdoms, was at all times ſufficient to excite the unruly borderers to their beloved maraudings. But though ſuch exceſſes were at this time frequent on both ſides, yet they appear to have been moſt unreſtrained and avowed on the part of England. Bedford, the better to colour his own proceedings, remonſtrated to the queen of Scotland againſt the diſorders committed by her ſubjects in his diſtrict. In anſwer, ſhe informed him, that upon examining the laird of Ceſſford, her warden of the middle marches, he had affirmed his continual readineſs to do juſtice; but alleged, that Bedford and his deputies had induſtriouſly put off the days of truce, at which, mutual redreſs of injuries was wont to be given. She alſo wrote him, that Colwich, his deputy, had, at a meeting held by appointment with Sanders Home of

Keith's App. p. 170, 171, 172.

* The earl of Bedford was lord lieutenant of the counties of Northumberland, Cumberland, Weſtmorland, and the biſhoprick of Durham. The earl of Shrewſbury had the lieutenancy of Yorkſhire, Nottinghamſhire, and Derbyſhire. In Auguſt, the queen, under pretence of better ſecuring Berwick, appointed the earl of Shrewſbury to levy two thouſand men, one thouſand and ſix hundred in Yorkſhire, and four hundred in the biſhoprick. On this the earl of Bedford conferred with the high ſheriff of the county Palatine, and other conſiderable perſons in it; by whom he was told, that it was never known that the biſhoprick was charged with the *ſending forth* of any men; their proper and peculiar buſineſs being to come to the aid of Berwick and the unpeopled frontiers, where theſe were preſſed by any actual neceſſity. When the earl of Bedford applied to Shrewſbury to raiſe theſe men, Bedford told him, that the queen had commanded *him*, to have all things in readineſs to provide for war; and yet to preſerve a good peace. Strype, Memor. Eliz. vol. i. p. 443. Strype is in this place miſtaken in his chronology.

Strype, Eliz. vol. ii. p. 297.

† From Mary's inſtructions, ſent to the French court by the biſhop of Dumblane, after her marriage with Bothwell, it appears, that this charge of lieutenant of the borders had been conferred on Bothwell, in the time of the war with England, during her mother's regency; that being obliged to abandon Scotland, upon the invaſion of the Engliſh in 1560, he came over from France with the queen, and ſerved her ſucceſsfully in the ſame office; and that on returning from France a ſecond time, upon her marriage with Darnley, he again reſumed his charge.

Hutton-

Hutton-hall, deputy-warden to lord Home, declared, that if Home or any of his people ſhould ſerve the queen againſt her rebels, his maſter would, with his whole forces, fall upon the Mers with fire and ſword. She alſo ſent Sir Andrew Ker of Hirſel, to require ſatisfaction with regard to theſe points; and with a farther inſtruction to demand the delivery of the earl of Sutherland *, who had been made a priſoner at Berwick, and whoſe detention Bedford juſtified, on the pretence of certain Engliſh pirates being protected in Scotland; the queen promiſing that, on the delivery of the earl, any ſuch offenders claimed by the Engliſh, and found in her dominions, ſhould be given up.

Mary, Q. of Scotland. 1565. Keith's App. p. 163.

At the end of the year, the queen of Scotland complained in a letter ſent by one of her heralds to her ſiſter of England, of an outrage more grievous than any of thoſe already mentioned. According to Mary's account of this affair, no leſs than eight hundred Engliſhmen had come to Edington and Chyrnſide, villages about four miles diſtant from Berwick, and there committed ſlaughter, taken priſoners, and carried off a great quantity of goods. This deed being firſt complained of to Bedford, he took it upon himſelf, avowing it to be done by his command. Hence Mary found herſelf obliged to complain and ſeek redreſs, by an application to the queen of England, expreſſing her confidence, that Elizabeth would, in a proper manner, ſhew her diſpleaſure with this and other proceedings of Bedford, that had the like tendency, to infringe the peace between the kingdoms. Elizabeth, in anſwer to this requeſt, alleged, that Mary had been miſinformed; profeſſing herſelf wholly ignorant of any ſuch outrage as Mary complained of; but ſuppoſed, that ſhe meant a late tranſaction, wherein the ſubjects of Scotland were the aggreſſors; having aſſaulted from an ambuſh, and made priſoners, ſome Engliſhmen, who were endeavouring to ſeize ſome Scottiſh thieves, that had plundered the ſubjects of both nations; and that in order to reſcue the perſons and goods of her ſubjects, thus unjuſtly ſeized and detained, two of the captains of Berwick had led forth from that place, a number not half ſo great as that mentioned in Mary's letter. At the ſame time, Elizabeth declared her purpoſe to examine farther into this matter, and to ſend orders to Bedford to make redreſs for all juſt complaints, and to abſtain from all proceedings that were repugnant to the amity between the realms. Theſe diſturbances in the marches were not a little promoted by the Scottiſh refugees in England, themſelves and their meſſengers paſſing openly to and again, through the border-country, and exciting in it what trouble they could, to the friends of the king and queen. To repreſs this inſolence, orders were iſſued by the king, queen, and council of Scotland, to the wardens to place watches in proper places, for ſearching and apprehending ſuſpected or guilty perſons; and to require all the inhabitants of their ſeveral diſtricts to be aſſiſting in this work, under the higheſt penalties. Bothwell alſo, the lord-lieutenant, was charged to ſee theſe orders executed in all points †.

By

* The earl of Sutherland had been ſent for, to return out of Flanders, in order to ſtrengthen the queen's party. Holingſ. Sc. Chron. p. 381.

† About this time, the earl of Northumberland, though a papiſt, and accounted one of Mary's Engliſh friends, did her a very ill office in ſeizing eight thouſand crowns of gold, which were ſent

Elizabeth, Q. of England. 1565. Melvill.

By theſe vigorous meaſures againſt her rebels, Mary reduced them to be ſuppliants for mercy, which was granted to ſome of them, and which her beſt friends adviſed her to extend to them all. But theſe proſperous circumſtances were accompanied with others, that ſoon involved her in new diſtreſs. Such were her quarrels with her huſband, which had already ariſen to a great height, her zeal for popery, and her ill judged attachment to Rizio, whoſe artful and ſervile complaiſance pleaſed the more, as being the reverſe of the rude behaviour of moſt of her ſubjects, and even courtiers. Her relations of the houſe of Guiſe, having drawn her to concur ſecretly in the league for the extirpation of the proteſtants, which had been concerted in the conference at Bayonne, in the preceding ſummer, between the queen-mother of France and the duke of Alva, ſhe did, in conſequence of theſe new engagements and the advice of her foreign friends, reſolve to proceed to the forfeiture of the fugitive lords, in a parliament that was ſummoned to meet in March. This reſolution was aſcribed to the influence of Rizio, whoſe favour with the queen the king regarding with jealouſy and indignation, put himſelf at the head of a plot for deſtroying him. This was accompliſhed by ſeizing the unhappy wretch in the queen's preſence, and murdering him at the door of her chamber. Murray and the other exiled lords who were lurking at Newcaſtle, and were in concert with the king and his aſſociates in this enterpriſe, returned in the evening of the following day to Edinburgh. The confuſion conſequent on the murder, together with a proclamation emitted next day by the king, prevented the meeting of parliament, which was to ſit down three days after. Mary, in order to extricate herſelf from the hands of the conſpirators, gave a kind reception to Murray. She won the king by her blandiſhments, to abandon his party, and thereby gained an opportunity of making her eſcape to the caſtle of Dunbar, where a great number of her friends ſoon came to her aid. She alſo granted her pardon to Murray, and the other lords who had returned from England, that ſhe might be the better able to avenge herſelf of thoſe immediately active in the late outrage. By theſe meaſures, the latter were obliged to ſeek their ſafety by flying either into England, or the remote and inacceſſible parts of their own country. The earl of Morton, the lords Ruthven and Lindſay, and ſecretary Maitland, fled to Newcaſtle; but, at the requeſt of the Scottiſh queen, were, by proclamation, ordered to depart from England, yet the ſtay of ſome of them in that country was connived at. Old

A. D. 1565.

March 9.

Spotſwood. Keith's App. p. 167.

to her from the Pope. This money, being driven on ſhore, in the wreck of a ſhip that was caſt away on the coaſt of the earl's grounds, was brought to that nobleman, and Mary ſolicited in vain for the reſtitution of it, both to the queen of England and the earl himſelf. To the latter, ſhe ſent, on this errand, Sir James Melvill, to whom the earl, as Melvill himſelf relates it, cauſed his advocate to read a law in the old Norman language, on which he founded his claim; and could not be prevailed with by all Melvill's entreaties to give up any part of the ſum. (Melvill's Mem. p. 214.) Mary, in a letter to queen Elizabeth on this ſubject, prays her, "to give ſtrait commandment and direction to her lieutenants and officers on the borders, that the ſaid money and goods be holden together undiſſipate and ſcattered, and be fully reſtored and delivered to ſuch perſons as ſhe (Mary) ſhould direct for receipt of the ſame." Keith. In the Memoirs publiſhed by Strype, concerning the rebellion in which Northumberland was engaged, in 1569, mention is made of his great poverty, which may help to account for his being ſo tenacious of this prey from the queen of Scots, who was at leaſt as poor as the earl. Strype, Memor. Eliz. vol. i. p. 599.

Ruthven

Ruthven died at Newcaſtle in June; and his ſon and the earl of Morton continued lurking near Alnwick and other places on the borders, until they obtained their pardon and were reſtored. Mary, Q. of Scotland. 1566.

The queen of Scotland, having ſettled ſuch concord among her nobles as their fierce ſpirits would admit, brought forth in quiet her ſon, about the middle of ſummer. Hol. Sc. Chr. June 19. But neither this deſirable event, nor any other conſiderations of prudence, decency, or duty, were ſufficient to conquer her averſion to her huſband, and reſentment againſt him, for the ſhare he had in the murder of Rizio. It ſeems even to have been a principal motive to engage her to forgive the king's accomplices in that deed, and to court the friendſhip of others of the nobility whom ſhe leaſt eſteemed, that ſhe might reduce her huſband to a ſtate of utter ſolitude and contempt; in which ſhe was certainly not a little aided by his own follies and vices. The conſequences of this inexpiable averſion, would have been the leſs dangerous; had ſhe not formed an attachment, equally immoderate, to the earl of Bothwell, one of the moſt unworthy and moſt hated of her ſubjects *. It is probable, that Bothwell's conduct, in his border department, contributed to alienate from the queen the chieftains there, who had the year before ſhewn ſo much zeal in her ſervice. Keith's App. p. 169. They were now friends to Morton, and ſuch diſorders prevailed among them, that the queen, about the beginning of October, went in perſon to Jedburgh, to hold juſtice-courts for puniſhing offenders, and reſtoring the quiet of the country †. The earl of Bothwell had ſet out a little before her, and gone into Liddiſdale, where he had in his keeping the ſtrong caſtle of Hermitage; and in an encounter with ſome of the banditti of that corner, received wounds that were thought dangerous. The queen receiving intelligence of this accident at Jedburgh, ſet out immediately to viſit her favourite, and returned again to Jedburgh on the ſame day. Oct. 16.

This journey, beſides the wound it gave her character, by expoſing to all, her fondneſs for Bothwell, had almoſt proved fatal to her life. It was followed by an illneſs that greatly alarmed her court, couriers were ſent with intelligence of her dangerous ſituation to France and England, and her counſellors, apprehending that the rude people in the neighbouring country, would be encouraged by it to break the peace, and revenge their private quarrels, iſſued a proclamation forbidding all ſuch exceſſes on the higheſt penalties. Keith, p. 353. In a ſhort time, however, the queen recovered, and was able to ſet out from Jedburgh on a progreſs eaſtward, about the 10th of the following month. In this progreſs ſhe ſpent the two firſt nights at Kelſo, and paſſed thence to Home, having in riding thither gone ſo far down the river, as to obtain a diſtinct view of the caſtle of Wark. From Home ſhe travelled through the Mers by Wed-

* Spotſwood calls Bothwell, *a man ſold to all wickedneſs.* Auguſt 2. Bedford writes to Cecil, Bothwell is geneally hated, and is more inſolent than ever David Rizio was. Keith's App. p. 169.

† This journey of the queen, to go againſt Ceſsford, &c. and keep juſtice-courts at Jedburgh, was projected about the beginning of Auguſt. Keith's App. p. 169. Letter of 3d Auguſt.

Melvill ſays, that Bothwell and Huntly enterpriſed the ſlaughter of the earl of Murray at Jedburgh; but that lord Home came there with forces, and prevented them. Mem. p. 153.

derburn

Elizabeth, Q. of England. 1566. Nov. 15.

derburn and Langton, and being desirous to see Berwick, she came into its neighbourhood, accompanied with eight hundred or a thousand horse. Sir John Forrester, who was then deputy under lord Bedford, met her at the bound road, accompanied by about sixty horsemen, consisting of the captains and principal inhabitants of the town. Forrester's behaviour to the queen was full of respect; he conducted her first to Halidon-hill, and from thence to a place at a convenient distance, on the west of the town, where she might see it distinctly. She was saluted by a general discharge of the cannon; and was afterwards attended by Forrester and his company almost as far as Eyemouth, in her way to Coldingham; from whence, having rested there a night, she proceeded to Dunbar.

Dec. 15. In the following month, the infant prince of Scotland was baptised at Stirling, with great pomp and festivity. The birth of this prince, together with the concord Mary had restored among her nobles, and their seeming attachment to herself, gave her an authority and consequence, greater than what she had formerly enjoyed. At the same time, her friends in England were earnest to have her right of succession to that crown declared; and the English parliament then sitting, were distressing queen Elizabeth by their instances, to have the great question about the succession determined without delay. These circumstances made it expedient for Elizabeth to cultivate the friendship of her cousin; and the baptism just mentioned, afforded her an opportunity of doing so. She sent the earl of Bedford as her ambassador to assist at that solemnity *, who, eight days before it, entered Scotland with a splendid retinue; among whom were most of the captains of his garrison at Berwick. The instructions he received from his sovereign on this occasion, were calculated for establishing a solid and lasting concord between the crowns and kingdoms, and for removing, as much as possible, the causes of past misunderstandings. The returns made by Mary were in the same spirit, although she made use of the opportunity to complain and seek redress of certain grievances, which some of her subjects had sustained from those of Elizabeth. The most considerable of these grievances was the detention of lord Keith, by the earl of Northumberland and his brother Sir Henry Percy, in an imprisonment of eight or nine years; that is, since he was taken in the rencounter at Swinton in 1558. All offers of reasonable ransom had been refused by the Percies †; and treble the sum

Melvill, p. 151. Keith, p. 356.

Ib. p. 362.

* Bedford, according to Melvill, notwithstanding his behaviour last year, had now become one of the surest and most affectionate friends the Scottish queen had in England. Melv. p. 151.

† It is also said, that besides this unreasonable ransom, there was required for Keith's charges, being a single man and a prisoner 200 l. which might of reason, it is alleged, stand for his full ransom.

The queen says, she was credibly informed, that by an ancient march-law established betwixt the earls of Douglas and Northumberland, it was provided, "That where unreasonable ransom should "be pertinaciously required on either side, and difference standing thereon, the ransom should be "estimate and made by a convenient number of indifferent men of either side, chosen and sworn "to that effect; and the prisoner to pay such a ransom as they should find his estate and ability "might bear, and the same was his taker constrained to accept." Keith, ib.

In the instructions given to Sir Robert Melvill, when sent to England in the ensuing May, complaint

ſum uſually paid by a perſon of his rank had been demanded. The miſchievous conſequences of this conduct both to the public amity, and the intereſt of individuals, in future quarrels between the nations, Mary deſired Bedford to repreſent to his miſtreſs, and to requeſt her that the ancient method appointed by the laws of the marches, for ſettling diſputes of this nature, might in the preſent caſe be obſerved; or at leaſt, that Sir Henry Percy might be brought before the Engliſh council, and obliged by them to yield to moderate and reaſonable terms. Mary, Q. of Scotland. 1566.

In leſs than two months after theſe tranſactions, the fame and fortune of the queen of Scots received an irreparable wound, by the murder of the unhappy king, and its immediate conſequences. For whatever may have been alleged to invalidate the evidence of Mary's being privy to the murder of her huſband; yet the protection and diſtinguiſhed favour ſhe ſhewed to Bothwell, whom all the world believed to be his murderer, and her even conſenting to marry this abandoned man, three months after her huſband's death, diſplayed a madneſs of wicked paſſion and obſtinacy of ſpirit, not to be reſtrained by any ties of duty or decency. The queen had, by her addreſs in managing her nobles, and her late ſucceſſes in repreſſing and revenging their enterpriſes againſt her, gained ſuch an aſcendant over them; that, to their great diſgrace, the chief of them ſubmitted to be the inſtruments of ſcreening her minion from deſerved puniſhment, both in a court of juſtice and in a parliament that immediately followed it. They were even engaged to ſign a paper, containing an aſſociation conceived in the ſtrongeſt terms, for vindicating Bothwell againſt the charge of the king's murder; and at the ſame time recommending him, though married to another, as a proper huſband for the queen. The carrying of theſe points, ſo flattering to their unbridled paſſions, impelled the infatuated pair to accelerate an union, that in a ſhort time proved the ruin of them both. A. D. 1567. May 15.

The marriage was ſcarce ſooner concluded, than the clamours of the nation, the reproaches of foreigners, and the remonſtrances even of the French monarch, by his ambaſſador Le Croc, againſt the ſhameful neglect of revenging the murder of the king, excited ſome of the nobles to enter into a concert for ſeizing Bothwell, and diſſolving his marriage with the queen *. To this they were farther excited and animated by Bothwell's intolerable inſolence and ambition, his groſs maltreatment of the queen, and the deſign he diſcovered of getting the infant prince into his hands. About a fortnight after the marriage, proclamations † were emitted, in the queen's name, for aſſembling the Melvill.

plaint is ſtill made of the detention of the maſter of Marſhal; and Elizabeth is requeſted to appoint commiſſioners to meet with others appointed by Mary, and to modify the ranſom; as nothing was to be had of thoſe who detained him but utter rigour and extremity. Keith's Hiſt. p. 394.

* The heads of this combination were, the earls of Argyle, Morton, Mar, Athol, Glencairn; the lords Lindſay and Boyd; the firſt and laſt named of which ſoon went over to the other ſide. The lord Home and his clients, together with the Kers and Scots, were alſo friends to the aſſociated lords. Buchanan, l. 19.

† In *one* proclamation, the inhabitants of the ſheriffdoms of Forfar and Perth; the ſtewartries of Strathern and Monteith, beneath the Highlands; the ſheriffdoms of Stirling, Lanerk, Clackmannan,

Elizabeth, Q. of England.

1567. Keith's Hiſt. p. 395.

the inhabitants of ſeveral counties, to accompany the duke of Orkney, a new title which the queen had conferred on Bothwell a few days before their marriage, in an expedition againſt the thieves of Liddiſdale; whom, it was alleged, the border-chieftains took no care to ſuppreſs. This was believed, or at leaſt repreſented by Bothwell's enemies, to be intended to colour an enterpriſe he meditated for overwhelming thoſe who were aſſociated for the prince's ſafety, and forcing him out of their hands. But they reſolved to be beforehand with him; for they had almoſt ſurpriſed the queen and him, while remaining

June 6. at Holyrood-houſe; from which having retired to the caſtle of Borthwick, as a place of greater ſafety, they were ſoon followed by lord Home with eight hundred horſe; and had juſt time to eſcape by a precipitate flight to the caſtle of Dunbar. Bothwell's marriage with the queen appears to have had no influence in reconciling to him the minds of the border-chieftains ‡. For

Melvill. Home headed the firſt body that appeared in arms againſt him, in the manner juſt related, and bodies of horſe were brought up by Ceſsford, Coldenknows, and, from the weſtern march, by Drumlanrig, to join the aſſociated lords; and were preſent in their army at Carberry-Hill. Thither the queen had marched too haſtily from Dunbar; accompanied by an army chiefly conſiſting of Bothwell's friends and dependents, collected out of Mers and Lothian *. The real friends of ſo worthleſs a man could not be numerous. The queen herſelf, if not willing to quit with him altogether, ſeems at leaſt to have been deſirous of being reconciled to her nobles, for the ſake of their aid to controul him, and ſupport her own authority. She therefore came to the deſperate

June 16. reſolution of delivering herſelf into their hands; and was ſent by them, in the evening of the following day, from her palace of Holyrood-houſe, to be a priſoner in the caſtle of Lochlevin; a ſtep which they vindicated by the diſcovery of a letter ſhe ſent to Bothwell †, promiſing him inviolable affection

nan, Kinroſs, and Fife, are required to meet the queen's huſband or lieutenant at Melroſe, on the 15th of June, properly armed, and furniſhed with fifteen days proviſions, to accompany him in his intended expedition againſt the border-banditti. In *another*, the inhabitants of the Lothians and Berwickſhire are required to be in readineſs, with ſix days victuals, to meet the queen's huſband or lieutenant, upon ſix days warning, and for the ſame effect. Keith's Hiſt. p. 395, 396.

‡ Buchanan ſays, that, on this occaſion, the chiefs of the family of Tiviotdale, were commanded to enter into ward in the caſtle of Edinburgh; but that they all withdrew in the night, and returned to their ſeveral homes, except Andrew Ker, who was believed to be privy to the king's murder, and Walter Ker of Ceſsford, who being a perſon of eminent integrity ſuſpected no harm. He adds, that lord Home, well knowing Bothwell's purpoſes againſt him, refuſed ſeveral invitations to come to court.

* The lords in her army (according to Calderwood, Keith's App. p. 401.) were, beſides Bothwell, Seton, Yeſter, and Borthwick. The gentlemen of the Mers were, Wedderburn, Langton, Cumledge, and Hirſel. There were, beſides, the lairds of Baſs, Waughton, and Ormiſton, in Lothian, and Ormiſton of that ilk in Tiviotdale. Keith's Hiſt. p. 401.

† This ſtep they vindicated by their having diſcovered a letter written by her to Bothwell after ſhe had joined them, containing expreſſions and promiſes of love and inviolable attachment; and alſo by the paſſionate menaces ſhe uttered againſt the aſſociated lords, when they charged her with this correſpondence, and entreated her to abandon Bothwell, and ſuffer him and his accomplices to be brought to juſtice for the murder of Darnley.

and

and attachment, notwithſtanding her engagement the day before to abandon him.

Mary, Q. of Scotland. 1567.

The queen of England, although uſually very inſincere in her profeſſions of friendſhip to Mary, ſeems to have been really offended with this laſt violent ſtep of the ſubjects of the latter; regarding it as an intolerable violation of the ſacredneſs of royalty, and of the moſt dangerous example to the ſubjects of other princes. She ſoon diſpatched Sir Nicholas Throgmorton to comfort the queen, to ſignify to the aſſociated nobles her diſpleaſure with this conduct, to engage them, if poſſible, to reſtore the queen to her liberty, and to endeavour to mediate terms of future peace and confidence. But the lords had gone too far to retreat. Throgmorton was not allowed even to ſee the queen; and ſhe was ſoon compelled to ſubſcribe, in her priſon, writings whereby ſhe reſigned the crown to her ſon, and appointed the earl of Murray regent during his minority.

Cabbala, p. 129. Cecil's letter to Sir Henry Norris, Aug. 9.

July 24.

THE BORDER-HISTORY OF ENGLAND AND SCOTLAND.

BOOK IX.

Elizabeth, Q. of England. James VI. K. of Scotland. 1567.

IN conſequence of the proceedings related above, the infant prince James VI. was crowned at Stirling on the 29th of July; and Murray, who had gone over to France, about a month before the queen's marriage with Bothwell, ſoon returned to accept of the regency *. Elizabeth's miniſters had not the ſame ſcruples with their miſtreſs about this revolution in Scotland; and though, agreeably to their accuſtomed policy, they choſe to preſerve ſome life in the party of the Hamiltons, and the reſt who oppoſed Murray, yet he had been ſo long their truſty friend, and the bulk of the nation was ſo evidently on his ſide, that Elizabeth was diſſuaded from proceeding to any extremities againſt him.

The earl of Murray having taken into his hands the reins of government, diſplayed great vigour in eſtabliſhing and exerciſing his power. One of the firſt acts of it was, his ſummoning ſeveral gentlemen of the Mers, to attend himſelf and the council, to give their advice about the adminiſtering of juſtice and keeping of peace within the bounds of the eaſtern march †. His attention to a much more diſorderly part of the marches appeared by a ſecret

Auguſt 23. Keith's Hiſt. p. 459.

* Murray returned by the way of London; and Sir James Melvill, by appointment of the aſſociated lords, met him at Berwick, to acquaint him with his promotion to the office of regent. Keith's Hiſt. p. 443.

† Theſe were, John Home of Blacater, David Home of Wedderburn, John Lumſdean of Blanern, George Home of Ayton, Patrick Cockburn of Langton, John Swinton of that ilk, Alexander Cockburn of that ilk, John Renton of Billy, Patrick Sleigh of Cumledge, William Chyrnſide of Eaſt-Neſbit, John Sinclair of Longformacus, Thomas Ridpath of that ilk, John Haitley of Mellerſtaines, John Hume of Coldenknows, and James Ker of Merſington. The day of their appearance was the laſt of Auguſt. On the 10th of September, the lairds of Blanern and Mellerſtaines were, for diſobeying the above charge, required, by order of council, to enter into ward in Edinburgh within three days, under the pain of rebellion. Keith's Hiſt. p. 443.

expedition

expedition which he made in perſon to Hawick, in the end of October. The earl of Morton, and the lords Home and Lindſay accompanied him in this expedition, wherein more than forty of the Liddiſdale thieves were taken. The caſtle of Dunbar continuing in the poſſeſſion of Bothwell's dependents, who refuſed to give it up to the regent, it was reſolved to reduce that fortreſs by a ſiege. For this purpoſe heavy artillery was carried from the caſtle of Edinburgh, and the garriſon, ſeeing no hopes of relief, ſoon capitulated. Murray ordered the artillery and ammunition that belonged to it to be carried to Edinburgh, and committed the keeping of it to the town of Dunbar, until the enſuing parliament in December, which made an act for demoliſhing both that caſtle and the fort of Inchkeith, on account of their preſent ruinous ſtate, and their heavy and uſeleſs expence to the government ‡.

1567. Oct. 1. Keith's Hiſt. p. 436. App. p. 155.

The parliament juſt mentioned gave their ſanction to all the meaſures that had been taken againſt the queen, and to the eſtabliſhment of the new model of government. But a conſiderable party ſtill remained attached to the queen; and their efforts for effecting her liberty were greatly aided by her own ſpirit and addreſs, which her ſufferings were never able to extinguiſh. Having wholly attached to her intereſts George Douglas, brother of the lord of the caſtle where ſhe reſided, he contrived the means of her eſcaping from the caſtle to the ſhore of the lake that ſurrounded it; and ſome of her moſt truſty friends being there ready to join her, ſhe was ſpeedily conducted by them to Hamilton. Thither great numbers of her own faction, or malcontents with the regent's adminiſtration, ſpeedily repaired to her. At the time the queen came to Hamilton, Murray was at Glaſgow, holding courts of juſtice. His attendants were not many, and it was the opinion of ſome of them, that he ſhould retire to Stirling. But Murray, judging that the appearance of fear would, in his preſent circumſtances, prove fatal, reſolved to keep his ground. He had the advantage of having the citizens of Glaſgow thoroughly attached to him; and he ſummoned to that city, from all quarters, his other friends. One of the chief of theſe was lord Home; who brought to him, out of Mers and Lothian, a body of ſix hundred excellent troops, part of which were horſe *. The regent, after the arrival of theſe troops, having in all four thouſand

A D. 1568. May 2.

Buchanan.

‡ Another reaſon given for demoliſhing the caſtle of Dunbar, was an act made in the reign of James IV. ordaining that caſtle to be demoliſhed; which act had not been yet abrogated. Black Acts, Ja. VI. fol. 22.

* The whole of the regent's horſe were two hundred, commanded by the lairds of Drumlanrig, Carmichael, and Alexander Home of Manderſton. The laſt named gentleman, probably, commanded the horſe brought by lord Home. Calderwood, App. Keith, p. 480.

On the day after the queen's eſcape from Lochlevin, the parſon of Auldhamſtocks, with twenty men, attempted to ſeize Dunbar; but many of lord Home's men arriving at the ſame inſtant, and the town being well affected to lord Home, the parſon deſiſted from his enterpriſe, and returned. The enemies of lord Home in the Mers rejoiced at the queen's eſcape; and that lord, in the preſent convulſion, yielded to have conference with divers who had been long his enemies; a courſe which he had not taken in any former diviſion. Yet he declared his purpoſe to adhere to the preſent ſettlement in church and ſtate; and reſolved, if Murray would allow it, to expel all the enemies of that regent out of their habitations in the Mers, and to place his friends

Elizabeth, Q. of England. 1568.

thouſand men, intended to march againſt his adverſaries, although exceeding his own number by 2000. But the leaders of the queen's army, confiding in their ſuperior ſtrength, took the field before him; marching from Hamilton, with the queen in their company, towards Dumbarton; in which ſtrong fortreſs they propoſed that the queen ſhould remain until her affairs were reſtored. But the regent's army meeting with the queen's at Langſide, two miles from Glaſgow, the latter, after a ſhort conflict, were totally defeated. In this battle lord Home, fighting on foot among the ſpearmen, greatly diſtinguiſhed his courage, and received ſeveral wounds †. The laird of Ceſsford, his brother-in-law, fought at his ſide, and raiſed him up when beaten down to the ground. The unhappy queen, inſtead of making her way to an impregnable fortreſs, in the center of her own dominions, fled precipitately from the field into England, where ſhe found a priſon during all the remainder of her life.

May 13.

Melvill, p. 182.

Spotiſwood. Camden. Carte. Melvill.

Murray, ſoon after this victory, ſummoned a parliament; in which he intended to forfeit thoſe who had joined the queen. But the interpoſition of the queen of England, and the moderate counſels of Lethington, hindered him from proceeding to extremities againſt any perſons of eminence. The remonſtrances alſo of the Engliſh queen, ſtopped Murray in the progreſs of an expedition he had undertaken againſt Mary's friends, in the ſouth-weſtern parts of the kingdom. He even found it neceſſary, for the ſake of contenting Elizabeth, to repair to York, in the month of October, to give an account of his conduct, and to endeavour to obviate the accuſations brought againſt himſelf and his party by the captive queen, and to prove their allegations againſt her. The earl of Morton, and others of his friends, were joined in commiſſion with him for this effect ‡, and Mary ſent her deputies to the ſame city; where the duke of Norfolk, the earl of Suſſex, and Sir Ralph Sadler, delegates of the queen of England, were empowered to hear the pleadings and allegations of both ſides. Leſly, biſhop of Roſs, the chief confident of his miſtreſs the queen of Scots, and one of her commiſſioners at York, in concert with ſecretary Lethington, formed a ſcheme for ſerving the unhappy queen, by practiſing on the ambition of Norfolk; to whom they propoſed a marriage with her. The proſpect of this alliance engaged Norfolk to hinder,

Haynes, p. 573.

in their room. The dread excited by Home's vigour and reſolution, ſeems to have prevented any of Murray's enemies from joining the queen. Theſe particulars we learn from letters of Sir William Drury marſhal of Berwick to Cecil, dated May 6, &c. Keith's Hiſt. p. 473, 474, 475.

† So ſays Melvill. Calderwood relates, that lord Home was hurt on the face with a ſtone and almoſt felled. About three hundred of the queen's army were killed, almoſt all in the flight. Of the regent's army there fell only one man, John Ballon, a tenant of the earl of Morton at Preſton in the Mers. Keith, p. 480, 481. From Calderwood.

‡ The commiſſioners on the part of the prince were, the earls of Murray and Morton, the biſhop of Orkney, lord Lindſay, and abbot of Dunfermling. Their aſſiſtants were, the laird of Lethington, James Macgill, Henry Balnaves, the laird of Lochlevin, Mr. George Buchanan, Mr. David Lindſay. Mary's commiſſioners were, the biſhop of Roſs, the lord Boyd, the lord Levingſton, the lord Herries, abbot of Kilwinning, Sir John Gordon of Lochinvar knight, Sir James Cobrun of Stirling, Haynes, p. 476.

with

with all his might, the production of the evidences of Mary's guilt, which Murray and his aſſociates had carried with them to England. Murray, by the advice of Lethington, and in conſequence of a ſecret concert of the latter with Norfolk, refuſed to proceed to this extremity, unleſs the queen of England firſt engaged, by her hand and ſeal, to give judgment on the evidence; and if the guilt of Mary was proved, to take under her protection the infant king, and his adherents. The Engliſh commiſſioners at York having no inſtructions to promiſe ſuch ſecurity, their proceedings in that city were ſoon at a ſtand; and Murray, with two of his attendants *, at the queen's deſire, repaired to London, as did alſo three of Mary's commiſſioners †, and ſome new commiſſioners ‡ were added by Elizabeth to thoſe formerly appointed for hearing the matters in queſtion. Murray, notwithſtanding his ſecret engagements to Norfolk, found it neceſſary to gratify the Engliſh queen, by laying before theſe commiſſioners the evidences againſt Mary; of which the principal were, the famous letters written with her own hand to the earl of Bothwell. The commiſſioners of the queen of Scots now exclaimed againſt theſe letters as forgeries, and openly charged thoſe who now accuſed their miſtreſs, with being themſelves the plotters, and ſome of them the perpetrators of Darnley's murder; but refuſed to enter into particulars, becauſe their queen's requeſt to be heard in perſon in her own vindication, before Elizabeth and her council, was rejected. The paſſion of Norfolk for marrying the Scottiſh queen ſtill continuing, notwithſtanding all the wickedneſs of which her adverſaries pretended to have convicted her §, Murray was drawn into the concert of this marriage, and even propoſed and earneſtly recommended it to the queen by Sir Robert Melvill. But Murray appears to have had no other view in all this, than his preſent perſonal ſecurity. Commotions which began to break out in Scotland, during his abſence, called for his return ‖; and the queen of Scots had ſo many friends, and the duke of Norfolk ſo much power and intereſt in the north of England, that the regent muſt have been in great hazard in his way homewards, if both the duke and queen Mary had not requeſted their friends and dependents to ſuffer him to paſs undiſturbed. The queen of England, alſo, beſides lending him a conſiderable ſum of money, ſent orders to the ſheriffs of the counties through which his road lay, and to the wardens of the marches, to eſcort and defend

James VI. K. of Scotland. 1563.

Haynes, p. 495.

Murdin's State Papers, p. 51. 54. Haynes, p. 496. Lord Hunſdon's Letter. Murdin, ib.

Rym. vol. xv. p. 670. Haynes, p. 502.

* The laird of Lethington and Mr. James Mackgill.

† Mary's commiſſioners, who went to London, were, the biſhop of Roſs, the lord Herries, and the abbot of Kilwinning. Haynes, p. 484.

‡ The additional Engliſh commiſſioners appointed by Elizabeth were, Sir Nicholas Bacon keeper of the great ſeal, earl of Arundel, earl of Leiceſter, lord Clinton, Sir William Cecil principal ſecretary. Haynes, p. 491.

§ And of which he himſelf ſeems to have been convinced. Murdin, p. 179.

‖ Lord Hunſdon, writing to ſecretary Cecil from Berwick, December 20th, ſays, that his neighbours, viz. of Scotland, were in great troubles among themſelves. And on January 15th he writes, that the earl of Huntly and his aſſociates had drawn together ſeven or eight thouſand men, and meant to hold a parliament or national council at Glaſgow. He was alſo advertiſed that the Hepburns and Hamiltons were beſieging Waughton, and that lord Home was going with all his forces to reſcue it. There is great ſtir, ſaith he, in all parts of Scotland, and all by the queen's commandment. Haynes, p. 497. 502.

him

Elizabeth, Q. of England. A. D. 1569.

him with the powers of their ſeveral diſtricts. By help of theſe precautions, the regent, having left London on the 24th of January, arrived ſafely at Berwick on the 30th of that month ‡, and on the day following, at Edinburgh.

After Murray's return, the project of Norfolk's marriage with the queen of Scots was purſued with great ardour. The parties themſelves gave their conſent, and ſettled the conditions of the match; one of which was, that the king of Scotland ſhould marry a daughter of the duke. The chief of the Engliſh nobles and courtiers were made acquainted with the deſign, and approved of it; provided the conſent of Elizabeth were firſt obtained. Mary's relations and friends on the continent were alſo content with it; and the expectations entertained by her friends of Scotland, of its being ſoon effectuated, and their queen in conſequence of it reſtored, were ſo great, that Murray's work was much facilitated, of reducing to a preſent ſubmiſſion thoſe who had hitherto oppoſed him. But all theſe hopes were at once overthrown by the diſpleaſure ſhewn by the queen of England, when the project of this marriage, and the ſteps ſecretly taken to accompliſh it, were, towards the end of ſummer, fully diſcovered to her by her favourite Leiceſter. About the ſame time reports began to ariſe of a rebellion being ready to break out in the north *; and ſoon after, ſuſpicions were increaſed by the duke of Norfolk's retiring from the court without leave, after having been reproached and threatened by the queen, on account of his projected marriage. As he was on his return to Windſor, after ſome delays and excuſes, he was taken into cuſtody; and his conduct having undergone a ſevere ſcrutiny, he was committed to the Tower. Several other nobles and courtiers, who had been privy to his deſigns, were alſo confined, or forbidden acceſs to the court. The earls of Northumberland and Weſtmoreland, who

Norfolk to Murray. Haynes, p. 520.

Sept. 16.

‡ He wrote to Elizabeth from Berwick on the laſt of January, acknowledging, in the ſtrongeſt expreſſions of thankfulneſs, the effectual care ſhe had taken of his ſafety, and particularly mentioning lord Hunſdon's diligence in convoying him. (Haynes, p. 505, 506.) Elizabeth, to remove the prejudices that aroſe againſt Murray, from certain writings publiſhed in Scotland, about ſecret bargains he had entered into with the Engliſh queen, wherein he had ſacrificed the intereſts of his queen, and the honour of his country, to his own ambition, ordered a proclamation to be made declaring the utter falſehood of all ſuch reports. This proclamation is dated January 2. Murray, writing to Cecil from Berwick, thanks him for his great expedition in publiſhing this proclamation. Haynes, p. 500. 503. 506.

* September 17. the lord Hunſdon and Sir John Forſter, at the earl of Murray's deſire, met him at Coldſtream; to which place he had come from Kelſo. They there thoroughly concluded with him, what courſe to take for adminiſtration of juſtice upon the borders; and Hunſdon had diſcourſe with him about the part he had taken in the marriage of Mary with Norfolk, which Murray endeavoured to extenuate as much as poſſible. Mary's principal meſſenger, at that time, in her correſpondence with Scotland, was Dan Carr of Shylſtock Braes, a common and notorious thief and murderer, "and one of the killers of the ſkowt of this town, at my firſt coming." (Hunſdon's words.) He adds, "that notwithſtanding Carr boaſted of his having Shrewſbury's paſs-port, he "had laid both the eaſt and midole marches for him." In queen Elizabeth's letter to Shrewſbury of the 22d, intimating her having joined to him the earl of Huntingdon in the charge of keeping the queen, ſhe adviſes Shrewſbury to reſtrain the common trade of poſting to and from Mary, "wherewith we perceive our poor ſubjects are more burthened, than in any other place of the "realm, they be with their own cauſes." Haynes, p. 526.

were

James VI. K. of Scotland.

1569.

were papiſts, and zealouſly attached to the queen of Scots *, had been embarked in the project of the intended match. They had alſo formed plots of their own for reſtoring Mary to liberty; and maintained a ſecret correſpondence with the duke of Alva, the Spaniſh governor of the Netherlands, who promiſed them aids, both of money and of men, to be landed on the Yorkſhire coaſt. The dread excited in perſons conſcious of ſo much guilt, by the proceedings againſt their friends in the ſouth, precipitated them into an open rebellion; which being equally deſtitute of internal counſel and ſtrength, as of foreign aid, was ſoon and eaſily quaſhed. The earl of Suſſex was at that time the queen's lieutenant † in the north, and continued at York more than three weeks after the inſurrection began, at which city he collected an army of five hundred men, wherein lord Hunſdon, governor of Berwick ‡, ſerved as general of the horſe. The exploits of the rebels were confined to the north and eaſt ridings of Yorkſhire and the county of Durham §; but having failed in their plot of ſetting free the queen of Scots, in the hopes of being joined by the Catholics in the other counties, their ardour ſoon began to abate, and their numbers to diminiſh. The earl of Northumberland's tenants and dependents made a ſhew of keeping the caſtles of Alnwick and Warkworth; but Sir John Forreſter, the warden of the middle marches, coming before theſe places with a body of forces, conſiſting of ſuch as he could raiſe in the country, and a detachment from the garriſon of Berwick, got poſſeſſion of them both; thoſe who were either within them, or aſſembling to defend them, returning, in obedience to his proclamation, to their homes. He alſo, by guarding the paſſes, prevented Northumberland's dependents in that part of the country from going to join their lord; and marching to Newcaſtle with a conſiderable body of horſe and ſome bands of the Berwick ſoldiers, was joined there by Sir Henry Percy, Northumberland's brother, who made a ſhew of great zeal and activity in the queen's ſervice ‖, and was engaged

Murdin, p. 216.

Holingſhed's Sc. Chr. p. 397.

* Pembroke, writing to Elizabeth 5th December, calls them bankrupt earls. Haynes, p. 568.

† The queen, in a letter to Hunſdon October 16, calls him our lieutenant in thoſe parts. He received his commiſſion of lieutenancy on this occaſion, being before preſident of the council of the north; Sir Ralph Sadler was ſent to Suſſex as an aſſiſtant and counſellor, and was appointed paymaſter of his army. Haynes, p. 558.

‡ Lord Hunſdon had ſucceeded Bedford in the government of Berwick, in the 10th of Elizabeth. Dugd. vol. i. p. 397.

Hunſdon was required by a letter of the queen, dated October 16, to repair to Newcaſtle, of which place, and of the county of Northumberland, ſhe appointed him governor under the earl of Suſſex. She empowered him to call ſuch a band out of Berwick, or the county of Northumberland, as circumſtances might require; and ſhe ſent 500 *l.* to her treaſurer of Berwick, to defray the expence of ſuch part of the garriſon as might be called forth. She recommended it to him to take care of Holy Iſland, the importance of the place being ſuch as could not be too warily looked to. Haynes, p. 554.

§ The ſong on this inſurrection, in Dr. Percy's Ancient Engliſh Poets, ſays, that they muſtered thirteen thouſand men at Wetherby. Dr. Percy's Anc. Eng. Poets, vol. i. p. 254.

‖ The queen, November 17, writes to Sir Henry Percy, teſtifying her gladneſs at hearing of his loyalty, though againſt his brother Northumberland, and aſſuring him that, in reward of his fidelity, ſhe would have regard to have the continuance of ſuch a houſe, in the perſon and blood of

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engaged in ſome ſkirmiſhes with the rebels in the northern parts of the county of Durham. The rebellion was already in a declining ſtate when Suſſex took the field; and the lords Warwick and Clinton at the ſame time, advancing with greater reinforcements from the ſouth, the two rebel earls retired towards Hexham, and thence to Naworth-caſtle in Cumberland. At this place their armies diſperſed; the earls themſelves, with the gentlemen and five hundred horſe, retiring to Scotland. The regent, ever ſtudious to oblige the court of England, found out Northumberland at a place, called Harelaw on the weſt border, among a neſt of banditti of the name of Graham, by whom, being betrayed, he was ſent a priſoner to the caſtle of Lochlevin *. Weſtmorland and others, took refuge with the lairds of Ferniherſt and Buccleugh, who were more able to protect them; and after ſpending ſome time in Scotland, with thoſe of the queen's faction, were conveyed to Flanders †.

Camd. p. 169, 170.

Melvill.

The entire dependence of the regent on the court of England was diſagreeable to many of his countrymen, while his confidence in the protection of that court, joined to his ſucceſſes and high dignity, inſpired him with too much contempt of his adverſaries, and at the ſame time, led him to an haughtineſs of manners that alienated his friends. To this behaviour of the regent, and to tempers and habits of their own ill fitted to obey, was owing the deſertion of Lethington and Grange, the one, the greateſt ſtateſman, and

of ſo faithful a ſervant. Yet the queen's attorney-general Popham, in his diſcourſe to the peers in the ſtar-chamber, after Sir Henry Percy then earl of Northumberland had ſhot himſelf in the Tower; told them, and inſtructed what he ſaid from the public records that the earl had been brought to his trial for his ſhare in that rebellion, and plotting to liberate queen Mary; that he had acknowledged his fault, ſubmitted himſelf to the queen's mercy; and had been fined 5000 merks. Camd. p. 339.

* Crawford's Memoirs ſay, that Northumberland was entertained by the Elliots, and that the regent, diſcovering the place of his retreat, took him out of it by force; having loſt captain Borthwick and others of his followers in the aſſault. Crawf. p. 122.

Dr. Percy's authorities in Song 4 Book 3. vol. i. ſay, that after being ſtripped and maletreated by the borderers, he reached the houſe of Hector of Harelaw, an Armſtrong with whom he hoped to be ſafe; Hector having been under obligations to him, and engaged his honour to be true to him. But Hector ſold him to Murray the regent, who ſent him to the caſtle of Loch-leven, then belonging to William Douglas. All the writers of that time aſſure us, that Hector, who was rich before, fell ſhortly after into poverty, and became ſo infamous that *To take Hector's cloak*, grew into a proverb, to expreſs a man who betrays his friend. Dr. Percy refers to Camden, Carleton, Holingſhed, &c. Rel. Eng. Poetry, vol. i. p. 257.

† Hunſdon writes to the earl of Murray regent, January 9, 1570, 'That notwithſtanding his 'grace's ſtrait proclamations againſt *receipting* or aiding the queen's rebels any where in Scotland, 'yet the earl of Weſtmoreland and others, were openly kept in Farniherſt, and ſome others of 'them at Branxam with Buccleugh, others of them with Bedrule, Andrew Ker, and the ſheriff of 'Tiviotdale. And upon Thurſday night laſt, the counteſs of Northumberland was brought by 'Ferniherſt towards Hewme (*ita*) caſtle, and was fain to ſtay by the way at Roxburgh, by the 'foreneſs of the weather (being a great ſtorm), ſo as it was eight o'clock on Friday morning or ſhe 'came to Hume, and was there yet, unleſs ſhe was conveyed to Fall-caſtle.' He adds, 'that the 'regent well knew that the queen (Elizabeth) could not take this well at their hands, eſpecially at 'lord Home's, with whom ſhe may eaſily be quittance, and make him repent his folly, as he '(Hunſdon) doubted not but ſhe would.' (Haynes, p. 573.) Lord Morley, writing from Bruges to the earl of Leiceſter, ſays, 'that the counteſs of Northumberland retired out of Scotland for 'very penury, being miſerably entreated there, and forced for her ſurety to remove from friend 'to friend without reſt, fearing ever to be ſpoyled by thoſe barbarous people.' Lord Seton had accompanied her into France. Haynes, p. 605.

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the other, the beſt ſoldier of the kingdom. The lord Home alſo, who had been long and zealouſly in Murray's intereſts, abandoned him; ſeduced, as ſome alleged, by views of gain, that were preſented to him by the friends of the queen. This change appeared in an expedition made by Murray to the borders towards the end of this year; for when he arrived at the caſtle of Home, inſtead of his uſual welcome, he was addreſſed by the lady, a ſiſter of lord Gray, with harſh and reproachful words. But although he was poorly attended in this expedition, and the country were almoſt all his enemies; he exerted his uſual vigour in ſeizing offenders, and adminiſtering juſtice. He alſo greatly obliged the queen of England, by offering his aſſiſtance to the governor of Berwick againſt her rebels, and by ſeizing the earl of Northumberland as above related *. But a few weeks after he fell a ſacrifice to the violent reſentment of a private gentleman of the name of Hamilton, who ſhot him from a window in Lithgow, as he was paſſing through that town, in his way from Stirling to Edinburgh.

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A. D. 1570. Jan. 22.

On the night that followed the murder of the regent, Thomas Ker of Ferniherſt, and Walter Scott of Buccleugh, two of the mightieſt of the border chieftains, and alſo friends of queen Mary, made an incurſion into England, accompanied by ſome of the Engliſh rebels, who had been received and entertained by them. On this occaſion they ſhewed their reſentment againſt Elizabeth, for her treatment of their captive queen, and for the rigorous diſcipline the late regent (Elizabeth's good friend) had exerciſed over themſelves, by burning and ravaging the adjacent Engliſh marches. Much about the ſame time, a great diſturbance aroſe near the weſtern Engliſh frontier. This was owing to a deſperate effort of Leonard Dacres, to poſſeſs himſelf of the eſtate belonging to the Dacres of Gilleſland family, which he claimed as heir to his deceaſed brother the late lord, but which the duke of Norfolk, who had married the widow of that lord, acquired, by a law-proceſs for the daughters of his lady by her former huſband. Leonard Dacres was in concert with Northumberland and Weſtmorland in the project of their rebellion, but, by the importunity of ſome of his friends, was prevailed with not to join them. Yet the fatal iſſue of their enterpriſe was not ſufficient to reſtrain this fierce inſurgent from taking arms againſt the queen and laws of the realm; and he had the intereſt and addreſs to draw around him a body of three thouſand men, conſiſting chiefly of the banditti of the borders, with which he ſeized Naworth and ſome other places of ſtrength, that had belonged to his anceſtors of the Dacres family. The charge of ſuppreſſing this inſurrection was given to lord Hunſdon governor of Berwick; who, carrying with him three hundred of the beſt ſoldiers of his garriſon, and being joined by one thouſand two hundred men, who were either the militia of the borders, or mercenaries employed in their defence, and having in his company Sir John Forſter, warden of the middle marches, advanced againſt this deſperate band.

Murdin's State Papers, p. 39.

* Camden ſays, that Murray, to gain queen Elizabeth, made this expedition into the borders in the month of January, for finding out the rebels who had fled from England; of whom having apprehended very few, and thoſe of ſmall note, he at laſt diſcovered Northumberland, and that he treated the borderers with great ſeverity. *(Limitaneos graviter afflixit.)*

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Dacres had the boldneſs to meet the queen's forces in the field; and fought with them a fierce and bloody battle near the little river Golt in Cumberland. But the bravery of lord Hunſdon, who was well ſeconded by captain Read, and the other captains of his garriſon, prevailed; the rebels were totally defeated, and their leader was forced to fly into Scotland.

Buchanan.

The queen of England, ſoon after the regent's death, which grieved her much, ſent Randolph into Scotland, to complain to the council of that kingdom, of the cruel outrages committed by the border chieftains in the incurſion above related. This meſſenger was alſo charged to tell them, that if, in the preſent diſordered ſtate of the kingdom, they had not ſufficient power to reſtrain or puniſh the offenders, ſhe would revenge her wrongs by her own arms; but would, at the ſame time, take effectual care, that the guilty alone ſhould ſuffer. The lords of the king's party, to whom this meſſage was delivered, deferred giving any anſwer until a regent ſhould be choſen. But this choice was retarded by the inteſtine ſtrifes that ſoon aroſe; which were much increaſed by a meſſenger from the French king to the queen's lords, by whom theſe latter were encouraged to perſevere in the cauſe of their miſtreſs, and had hopes given them of great aids. At the ſame time, the court of England, although reſolved to ſupport the party of the king, yet to produce the greater dependence of that party on themſelves, followed their uſual policy of ſecretly fomenting diſcord among the Scottiſh nobles; but as they had received advertiſement of an intended embarkation of French troops on the coaſt of Bretagne for Scotland, they took care conſiderably to increaſe their forces on the borders *; and in particular, Sir Ralph Sadler was ſent to Berwick, with orders to double the garriſon of that place.

Carte, vol. iii. p. 498. Haynes, p. 578.

Hol. Sc. Chr. p. 1213, 1214. Compl. Amb. p. 163, 164.

The affairs of Scotland continuing unſettled, and Elizabeth determined not to ſuffer the entertainment and aid given to her rebels, and the injuries her ſubjects had ſuſtained, to paſs unrevenged, gave orders to the earl of Suſſex, her lieutenant in the north, to lead an army againſt her enemies on the Scottiſh borders. To vindicate this ſtep from the imputation of injuſtice and ambition, ſhe emitted a declaration, of much the ſame import with the meſſage lately ſent by Randolph to the Scottiſh council. She aſſured the ſubjects of Scotland, who were inclined to preſerve peace with her kingdom, and had not aided or entertained her rebels, that her army ſhould do them no hurt, but on the contrary defend them in all their juſt rights and poſſeſſions; and, to engage their confidence, ſhe reminded them of the great benefit ſhe had formerly conferred on the Scottiſh nation, in expelling the French who had ſought to enſlave them, and of her moderation at that time, in abſtaining from any attempt on their liberties, when ſhe had a victorious army in the heart of their kingdom. The earl of Suſſex, ſetting out from Berwick about the middle of April, marched up the ſouth ſide of the Tweed towards Tiviotdale, and arrived in the evening at the caſtle of Wark. The forces he commanded, were thoſe ſtationed for defence on the eaſtern march, and part of the

Strype's Mem. Eliz. p. 613, 614.

April 17.

* Carte, from Fenelon's Diſpatches, ſays, that it was reſolved by Elizabeth's council, that ſix thouſand men ſhould be levied for an expedition to Scotland, and twelve thouſand more, ordered to be in readineſs.

garriſon

garriſon of Berwick; and he was accompanied by the lord Hunſdon, governor of the town and warden of the march juſt mentioned, and alſo by Drury, marſhal of Berwick. On the day following, they entered Scotland over the *dry march*, in hoſtile array; deſtroying as they advanced every place that belonged to their enemies. In particular they burnt and raſed a tower, called, from its ſituation in a marſh, the *Moſs Tower*, that belonged to the laird of Buccleugh. Proceeding to Crailing, they deſtroyed a caſtle of ſome ſtrength, poſſeſſed by the mother of the laird of Ferniherſt; and were at that place met by Sir John Forſter, warden of the middle marches, who, having at the ſame time with them entered Scotland, at the head of the forces of his diſtrict, had committed ravages in the tract through which he paſſed. The whole army advancing to Jedburgh, they were hoſpitably received by the magiſtrates and inhabitants; in conſequence of which the town was ſpared; and the like favour was ſhewn to the laird of Ceſsford, warden of the Scottiſh middle marches, and to his friends and dependents; for Ceſsford coming to Jedburgh, made his ſubmiſſion to the earl of Suſſex, and having ſatisfied the general, that he had not violated the peace with England, by entertaining any of the Engliſh rebels, or by being concerned in the late incurſions, he was taken under the protection of the Engliſh, and had all his poſſeſſions and thoſe of his kindred preſerved unhurt. James VI. K. of Scotland. 1570.

From Jedburgh the Engliſh army marched to Hawick, which, being provoked with the perfidy of the inhabitants, they laid in aſhes. Carrying on the ſame ravages in their return, they laid waſte, by two detachments, the narrow tracts of country on the ſides of the rivers Bowmont and Kail, the latter of which belonged wholly to Buccleugh, his kindred and dependents. After theſe maraudings, the Engliſh general came to Kelſo, where he remained a night, purpoſing to lay ſiege to the caſtle of Home; but lord Hunſdon and his company having gone the ſame night to Wark, in order to bring from thence the artillery to be employed in that ſiege, they found this impracticable, by reaſon of the horſes that were to have drawn this artillery having been inconſiderately ſent to Berwick the day before. This made it neceſſary for the whole Engliſh army to march back to that place, which they did on the ſixth day after ſetting out from it; having in their ſhort expedition deſtroyed and ſpoiled more than fifty caſtles and piles, and above three hundred towns and villages. The lord Scroope, warden of the weſt marches, made at the ſame time an inroad into the Scottiſh territories over againſt him; and committed great depredations, without meeting with any conſiderable oppoſition. April 28.

When the Engliſh army ſet out from Berwick, the chiefs of queen Mary's party were aſſembled at Edinburgh, under the protection of the laird of Grange *, who held the caſtle, and was alſo provoſt of the city. Grange Spotſwood.

* They had come to Edinburgh from Lithgow, where they had a meeting on the 8th of April. They had with them at Lithgow the earl of Weſtmoreland and Leonard Dacres, the queen of England's rebels. Theſe fugitives the citizens of Edinburgh would not permit to enter their city; upon which they were committed by the other lords to the charge of lord Home, who, after concealing them ſome days in his own houſe, put them into a ſhip that conveyed them to Flanders, Crawford, p. 129.

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having gone wholly over to the queen's intereſts, did, at the deſire of the lords of her faction, diſmiſs lord Home from his impriſonment in the caſtle, to which he had been commited by the late regent a little before his death; the lords juſt mentioned, having raiſed money for levying mercenaries to be employed in their ſervice, lord Home had ſufficient intereſt with them, to obtain a part of it to enable him to defend his caſtle of Home. But Walter Scott of Buccleugh, and Thomas Ker of Ferniherſt, having aſked the ſame favour, it was refuſed them. They entreated alſo their friends to come with their forces to their aid; or if that could not be done, to come at leaſt as far as Lauder, and to try if by the ſhow of war they might ſtop the progreſs of the Engliſh. But theſe requeſts could not be complied with. On the contrary, the queen's lords, on the news of the Engliſh entering Scotland, not thinking themſelves any longer ſafe in Edinburgh, where the citizens were not their friends, retired to Lithgow. From thence they ſent a letter to Suſſex, entreating him to ceaſe from hoſtilities, until they ſhould obtain an anſwer from the Engliſh queen, which was to paſs through his hands. But Suſſex having opened, according to his powers, their letter to the queen; and obſerving nothing of ſufficient weight to impede his progreſs, proceeded, in the manner above recited, to execute the orders he had received.

Hol. Sc. Chr.

On the fourth day after the return of Suſſex to Berwick, he again marched thence with an army of about three thouſand men, to reduce the caſtle of Home. Having come in the evening to Wark, he ſent Drury the Marſhal of Berwick by break of the following day, with a body of horſemen and muſqueteers, to inveſt Home, and to chuſe a proper place for encamping the army. On the ſame day about ten, the reſt of the army and ordnance got over the river, through which the horſe carried the foot. The general and lord Hunſdon, with a proper eſcorte, then moved forward to examine the ſtrength and ſituation of the fortreſs; in the neighbourhood of which, the whole army arriving in the afternoon, encamped under cover of a rock. The Engliſh muſqueteers covered by a trench and by the ruins of ſome houſes near the caſtle, which the Scots had burnt, gave great annoyance to thoſe of the garriſon, who appeared on the tops of the battlements, or through the embraſures. In the mean time, a battery was carrying on by the pioneers, on the north eaſtſide of the caſtle, and by five o'clock next morning was ready for receiving the artillery, of which two pieces were planted upon it. The garriſon being then ſummoned in vain to ſurrender, the guns began to play, and were anſwered by thoſe of the caſtle. But theſe latter were ſoon ſilenced; the maſter gunner being diſabled by the loſs of his leg, which was carried away by a ſhot levelled againſt him by one of the Engliſh cannoneers. About two, the captains * of the garriſon requeſted a parley with Drury, and leave to ſend a meſſenger to lord Home, to know his pleaſure; alleging, that as he had intruſted them with the keeping of his caſtle, they could not deliver it up without his conſent. Theſe requeſts were granted them, but with ſevere warnings of the revenge that ſhould be taken, if any thing indirect or fraudulent

* William Trotter, and Gilbert Gray, lord Home's wife's brother. Hol. Sc. Chr.

dulent appeared in their conduct. The lord Home, who was not afar off, agreed to meet with Drury at a place two miles from the caſtle, and found himſelf obliged to ſurrender his fortreſs to the Engliſh general, on condition that the lives of the garriſon ſhould be ſpared, and that they ſhould march out in their common wearing apparel, leaving behind them all their arms and baggage. Such Engliſhmen, as ſhould be found amongſt them, were excepted from the benefit of this capitulation. In purſuance of this agreement, the caſtle gates were opened at eight in the evening, the keys delivered to Drury and by him preſented to Suſſex; the garriſon, conſiſting of one hundred and ſixty-eight men, marched out, and having made their ſubmiſſion to the Engliſh general, were diſmiſſed in ſafety. Two Engliſhmen that were amongſt them, one a ſervant of the earl of Northumberland, and the other an infamous vagrant, were detained, and ſoon after executed at Berwick. In this ſhort ſiege, were ſlain only two of the Engliſh, and as many Scots, but ſeveral were wounded. The booty found in the place was very conſiderable, conſiſting of a large quantity of ſtores, laid in for the uſe of the garriſon, and of many rich moveables, belonging to its lord, and to neighbouring families, who had ſent their moſt valuable goods into it, as a place of ſafety. On the day following the ſurrender, Suſſex, having placed in the caſtle a garriſon of two hundred men, under the command of captains Wood and Pikman, returned to Berwick *. Five days after, the Engliſh general ſent two thouſand men under the command of Drury, to take Faſt-caſtle, which was the other principal place belonging to lord Home. This was ſurrendered upon the firſt ſummons, its ſmall garriſon of ten men being allowed to depart with their lives, in whoſe room were placed ten, or according to ſome, fourteen Engliſhmen †. Some additional fortifications appearing neceſſary, to render the caſtle of Home more tenable, they were made at the expence of the Engliſh queen.

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Compl. Amb. p. 164.

The view of theſe expeditions into Scotland, was not confined to diſtreſs the border-chieftains. They were alſo intended to weaken the party attached to the captive queen, and to ſupport the lords who were combined to maintain the authority of the infant king. Theſe lords had requeſted the earl of Lennox, who had reſided for ſome time in England, to return to Scotland, with the view of conferring upon him the regency. And Lennox having, in compliance with their deſire, come as far as Berwick, they ſolicited and obtained from the earl of Suſſex, a body of forces, conſiſting of twelve

Camb. p. 177. Holing. Sc. Chr. p. 1217.

* Buchanan ſays, very improbably, 'That the garriſon of Home-caſtle made ſo reſolute and 'ſtout a defence, that the Engliſh were going next day to abandon the ſiege.' He adds, 'That 'this was prevented by a letter of lord Home to the keepers of the caſtle, ordering them to conſult 'with Drury, and to follow his directions.' The uſe that Drury made of their confidence, was to make it known to Suſſex, and in concert with him to obtain the ſurrender of the caſtle. Home, according to Buchanan, perſuaded himſelf that Suſſex and Drury were his friends; knowing that they were ſecretly of the party of the duke of Norfolk; and by his credulity brought upon himſelf this heavy loſs; after which, being abandoned by almoſt all his friends and kinſmen, who were in the intereſts of the king, he retired with one or two in company to Edinburgh, and ſhut himſelf up in the caſtle. Buchan. l. 20.

† "Theſe were thought ſufficient," ſays Holingſhed, "to keep it againſt all the power of "Scotland, the ſituation thereof is ſo ſtrong."

hundred

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hundred foot, and four hundred horſe *, to accompany Lennox into Scotland, and to give their aid in reducing the queen's lords, before they ſhould grow more formidable by the money and men they expected both from France and from the duke of Alva in Flanders. To enſure the ſafe return of theſe forces, with exception of the chances of war, againſt any treachery of thoſe who ſent for them, the lord Ochiltry and five Scottiſh gentlemen were ſent to Berwick as hoſtages. Drury, marſhal of Berwick, had the command of this little army; and, before his ſetting out, received, together with ſome other officers, the honour of knighthood from the earl of Suſſex. The expedition was fortunate, and the queen's lords, on the approach of the Engliſh forces, with thoſe of the king's party who joined them at Edinburgh, were obliged to abandon the field, and to ſeek their ſecurity in diſtant retreats. The caſtle of Hamilton, with ſome houſes belonging to the chief of that name, and to his friends and allies, were ſeized and deſtroyed; and the Engliſh auxiliaries, having given, by their timely aid, a ſufficient aſcendant to the king's lords over their adverſaries, returned ſafe to Berwick, in little more than three weeks after they had left it. The Scottiſh hoſtages, detained there during that time, were diſmiſſed; and the king's lords, with the approbation of the Engliſh queen, ſoon after made choice of Lennox to be regent of the kingdom, during his grandſon's minority †.

Crawford's Mem. p. 144.

July 12.

The aſſiduities of the French and Spaniſh ambaſſadors, to which they were continually excited by Leſly biſhop of Roſs, who, with unwearied fidelity, ſerved the captive queen as her ambaſſador at the Engliſh court, prevailed with queen Elizabeth to renew her negociations with Mary, for the liberation of the latter from her impriſonment, and her reſtoration to her throne. The king of France had been the lover, and was ever the ardent friend of queen Mary; and it is probable would have afforded her ſome very powerful aid, had he not been hindered by the civil wars of his own kingdom, which, during his whole reign, were never effectually, nor for any conſiderable time, extinguiſhed. The Pope, the king of Spain, and the duke of Alva, were all zealouſly in Mary's intereſts. But Elizabeth and her miniſters had the addreſs to hinder the power of France and Spain from making any dangerous efforts againſt England, by fomenting jealouſies between theſe powers, by blowing and feeding the flame of diſcord in the dominions of each, and by amuſive negociations, that had the ſhow of compoſing in an amicable manner the

* The Scottiſh writers call them only one thouſand foot and three hundred horſe. Their artillery conſiſted of four field-pieces. Among the foot, were the companies of captains Read, Carvel, Game, Lamberd, and Errington. Holingſhed calls theſe the old bands of Berwick, and ſays, they amounted to five hundred men. According to Camden, Drury was firſt ſent from Berwick, at the head of the Engliſh auxiliaries, and received at Coldingham the Scottiſh hoſtages. He adds, that Suſſex, accompanied with ſeveral officers, followed the Engliſh army to Edinburgh, and there joined it to the forces of the king's lords. But Suſſex's going to Edinburgh is not mentioned by the other hiſtorians. Camd. p. 177, 178.

† Bedford, writing of this choice to Cecil, ſays, Methinks I ſee no likelihood of the continuance of Lennox's conſtancy, nor of their well-doing there, (in Scotland,) unleſs the queen's majeſty do from time to time feed the cold humours of that country with ſome continual demonſtration of her fervency and zeal to the good matter they have taken in hand. Haynes, p. 599.

quarrels between the queens, as well as thoſe of Mary with her rebellious ſubjects. James VI. K. of Scotland. 1570.

By a negociation of this kind, which had commenced in May, certain preliminaries were about the end of June concluded, in order to pave the way for carrying on a definitive treaty. One of theſe preliminary articles ſtipulated a ceſſation of arms between the contending parties in Scotland, for two months; and by another of them, it was agreed, that the king of France ſhould ſend no forces into Scotland, during the progreſs of the treaty, and that the queen of England ſhould recal thoſe ſhe had in that kingdom. The forces ſent under Drury, and which were in Scotland, when this negociation began, returned to Berwick in the beginning of June. But the fortreſſes of Home and Faſtcaſtle were ſtill kept by ſmall Engliſh garriſons; which the Engliſh miniſtry juſtified by alleging, that the lord Home having maintained the Engliſh rebels, and aſſiſted them in invading, burning, and ſpoiling their native country, he was, by the laws of the borders, anſwerable for the damages the queen's ſubjects had ſuſtained, and that his houſes were kept, until he ſhould make compenſation to thoſe who complained of the injuries done them, after which, there ſhould be no delay in reſtoring them *. And it was at the ſame time promiſed, that theſe garriſons ſhould commit no hoſtilities. In Auguſt, the earl of Suſſex †, together with the lord Scroope, warden of the weſtern march of England, making an inroad into Annandale and Galloway, ſacked and plundered Dumfries, and ſeveral other places. But when this was complained of by the French ambaſſador, as a violation of the armiſtice, Elizabeth diſclaimed it, as done without her orders, and as intended only to revenge ſome inroad of the Scottiſh borderers. The new regent and his friends were obliged to comply with the inſtances of Elizabeth in agreeing to ceſſations of arms, firſt for the two months of September and October, and afterwards until April. During theſe truces, which were all obſerved on both ſides, delegates from each were ſent to London, in order to negociate terms of agreement under the direction of the Engliſh queen ‡. Mary, earneſt to

Fenelon's Diſpatches in Carte, vol. iii. p. 500. Cabbala, p. 166, 167.

Hol. Eng. Chr. p. 122.

Carte, ib.

Spotiſwood,

A. D. 1571.

* In the treaty at Chatſworth, between the queen of Scots and Cecil and Mildway, it was propoſed to Mary, that until the rebels that were maintained in Home-caſtle might be delivered or received, and reſtitution made for the ſpoils committed in England, by ſuch rebels as the lord Home maintained in Home-caſtle and Fait-caſtle, the ſaid caſtle of Home ſhall continue in poſſeſſion of the queen of England; ſo that the profits of the revenues be not otherwiſe diſpoſed, but upon the maintenance of the garriſon in the ſaid caſtle. Provided that reſtitution be made, and the rebels cannot be recovered within three years, that, at the end of the ſaid three years, the ſaid caſtle ſhall be reſtored in as good ſtate as it was received.—To which the anſwer for Mary was, "That "becauſe all the queen of England's ſubjects, if at any time any of them was received in Home-caſtle, are departed furthe of that realme, and that the lord Home hath ſuſtained great damage "and ſkaythe in time paſt; therefore, the queen of Scots doth moſt humbly and earneſtly deſire, "that Home-caſtle and Faſt-caſtle alſo, with all the munition, moveables, and other pleniſhing, "may be reſtored to the ſaid Home, in conſideration that he is minded to entertain amitie and "peace between the realms."

† The earl of Suſſex entered Scotland by the weſt on the 22d, and returned on the 29th. Buccleugh's Diary ap. Murdin.

‡ The delegates ſent by the regent, were, the earl of Morton, Pitcairn abbot of Dunfermling, and Sir James Macgill. The queen's delegates were, the biſhops of Roſs and Galloway, and lord Livingſton.

recover

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recover her liberty, made great conceſſions. In particular, ſhe conſented that her ſon ſhould be ſent into England, to receive his education, and be detained as an hoſtage; but to this, or any conditions that ſhould diveſt the king of his preſent authority, Morton and his aſſociates refuſed their aſſent, as exceeding the powers their commiſſion gave them. The delegates from Mary were no leſs firm in refuſing to put into the hands of Elizabeth any of the fortreſſes of Scotland, which were demanded as a ſecurity for the queen and kingdom of England, againſt the ambitious enterpriſes of the Scottiſh queen. It had been propoſed with this view, that Dunbarton and Home, together with ſome other fortreſſes in Galloway or Cantire, ſhould be poſſeſſed by the Engliſh for three years; but the agents for Mary alleged, that this would be depriving her of the ſtrength of her kingdom, and that other places of like ſtrength might be demanded by the French king, agreeably to the ſpirit of the treaty of Edinburgh in 1560, which provided that neither French nor Engliſh ſoldiers ſhould remain in Scotland *. It was in the end propoſed by Elizabeth, that, as the Scottiſh regent had appointed a parliament to meet at Edinburgh on the 14th of May, there ſhould be a ceſſation from mutual hoſtilities until that time; and that commiſſioners of each ſide ſhould be choſen, and authorized by the parliament to compoſe all differences. But Mary, provoked at the obſtinacy of the Scottiſh delegates, and the dilatory meaſures of Elizabeth, rejected this propoſal; upon which a ſtop was put to any farther treating, and Morton and his aſſociates were allowed to return to Scotland.

Haynes, p. 623.

Fenelon's Diſpatches in Carte, p. 506.

Haynes, p. 613.

April 8.

April 9.

A few days before theſe delegates returned, the regent had, by ſurpriſe, and a ſcalade, in the night-time, become maſter of the caſtle of Dunbarton, which had hitherto been held by lord Fleming for the queen. John Hamilton archbiſhop of St. Andrew's, a principal perſon in the queen's faction, and extremely obnoxious to the regent, by the aſcendant he had long held in the hoſtile family of Hamilton, was taken priſoner in that fortreſs; and three days after, publickly hanged on a gallows at Stirling. This kindled an implacable reſentment in the minds of the Hamiltons, as well as of the other friends of the queen; and the delegates of each party ſoon after coming home from England, without having made any progreſs in the work of pacification, a civil war immediately broke out in Scotland, and was carried on with much animoſity for almoſt two years. The principal ſcene of theſe hoſtilities, during the ſummer of this year, was Edinburgh and Leith, and the country in their neighbourhood. Grange, the governor of the caſtle, having received ſome remittances from France, hired ſoldiers, by means of whom, and of his ſituation in the caſtle, he became maſter of the city. Thither the duke of Chatelherault, the earl of Huntley, and the other leaders of the queen's faction ſoon repaired. On the other hand, the regent and his friends, of whom the moſt active and powerful was the earl of Morton, took poſſeſſion of Leith; from whence they gave all the annoyance they could to their adverſaries.

Buchan. l. 20. Spotiſwood.

Cald. ii. 233.

* With regard to the demand of caſtles in Galloway or Cantire, the queen alſo pled, that ſhe had no caſtles or ſtrengths in either country, but ſuch as were the property of noblemen, and whereof, in reaſon, ſhe could not diſpoſſeſs them. Haynes, p. 613.

The

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The Engliſh queen, ſtill affecting the character of mediatreſs between the contending parties, did, in that office, during this ſeaſon, chiefly employ Sir William Drury marſhal of Berwick. By order of his miſtreſs, Drury repaired to Edinburgh in June; and going between the factions, laboured to gain their conſent to an abſtinence from hoſtilities; and in particular, that the capital ſhould not remain the ſcene of ſtrife, but be left open for adminiſtering public juſtice, and tranſacting the affairs of the nation. But the violent jealouſies and reſentments of either ſide fruſtrated all Drury's pains; and ſo far was his viſit from compoſing their quarrels, that it occaſioned one of the moſt conſiderable conflicts that happened during this ſeaſon. For when he ſet out on his return from the city towards Berwick, a body of the queen's forces did, in teſtimony of reſpect, attend him to ſome diſtance from the walls. Morton, who lay at Leith, informed of this appearance of the enemy, drew out his forces and advanced towards them. Drury endeavoured to perſuade them both to retire; and to ſave the honour of each, propoſed they ſhould begin their retreat at the ſame inſtant, upon a ſignal that he, ſtanding in the ſpace between them, ſhould give. But Morton, irritated by the boaſts of his adverſaries, inſtead of retiring, by a ſudden and violent attack, broke them, and drove them towards the city. In the purſuit, and in entering the foot of the Canongate, through the narrow port called the *Water-Gate*, a conſiderable number were killed and made priſoners *. Among the latter was the lord Home, who was ſent to the caſtle of Tantallon; but was ſoon after exchanged for the laird of Drumlanrig, who, on the way from Leith towards his own country, was made priſoner by Sir David Spence of Wormeſton; a gentleman of the queen's party, who ſignaliſed himſelf, at this time, by many gallant exploits.

Crawford's Memoirs.

Theſe fierce conteſts were carried on, not only by the ſword, but alſo by acts and ſentences of conventions, which either ſide called parliaments. The party of the king held a meeting of this kind in the Canongate, but within the liberties of the city; in conſequence of a ſummons that had been iſſued for a parliament to meet at Edinburgh on the 14th of May. It was attended by a conſiderable number; and ſat, notwithſtanding the vicinity of the enemy and fire of the caſtle, for four days. In the following month a convention, much leſs frequent, was held within the city by authority of the queen. The buſineſs of both aſſemblies was to paſs acts juſtifying their own conduct, and ſentences of forfeiture againſt thoſe of the adverſe party. New meetings of the ſame kind were held in the end of Auguſt, one by the king's party at Stirling, where the infant prince was preſent; and the other, by a very ſmall number of the queen's party, at Edinburgh. The continuance of ſtrife having multiplied offences and heated reſentments to an extreme pitch, the forfeitures decreed by theſe meetings were far more numerous than in the pre-

Crawf. Mem. P. 177.

* Crawford places this conflict on the 16th of June. It was afterwards, by the queen's party, called *Drury's peace*, or *Black Saturday*. Crawf. p. 193. This party alleged, that Drury betrayed them, by perſuading them to turn their backs; while their enemies, inſtead of doing the ſame, made a fierce and unexpected attack on them. Crawf. ib.

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ceding. The Stirling parliament did alſo, in compliance with a requeſt lately tranſmitted to the regent from Elizabeth, through Sir William Drury, appoint commiſſioners to meet on the borders with ſuch as the Engliſh queen ſhould ſend thither, in order to treat of the differences that had lately ariſen among the ſubjects of Scotland, and for contracting a league between the realms. A ſafe-conduct was alſo ſent to Grange for ſome of his party to paſs into England on the ſame errand; but an unexpected event put a ſudden ſtop to theſe tranſactions, and embroiled ſtill more the affairs of Scotland.

Melvill, p. 226, 227.

Sept. 3.

While the king's parliament ſat at Stirling, the diſtance of their enemies, and the employment given them by the king's forces that were at Leith, threw them into a ſtate of the moſt entire ſecurity. Of this the laird of Grange having intelligence, formed the project of ſurpriſing their quarters, and of ſeizing the perſons of the chief of his adverſaries. This bold enterpriſe was ſo well and happily conducted, that a body of five hundred men, who were employed in it, entering Stirling at day-break, got poſſeſſion of the town without reſiſtance, ſeized in their houſes the regent, the earl of Morton, and nine other lords, and having put them on horſes, were actually carrying them off. But an attack being made upon them, under the conduct of the earl of Mar, from the caſtle, while moſt of the private men were diſperſed in ſearch of booty through all corners of the town, the victors were driven off in confuſion; and being hotly purſued, were obliged to quit their priſoners, and ſeek their own ſafety in flight. Amid this diſorder the regent was mortally wounded by captain Caulder of the queen's party, in ſpight of Sir David Spence of Wormeſton, whoſe priſoner he was, and who fell a victim to the miſtaken rage of ſome of the king's party, notwithſtanding the interceſſion and remonſtrances of the dying regent. One of the chief conductors of this enterpriſe was the laird of Buccleugh †, who was accompanied in it by his band of borderers. To them was partly owing the failure of the project, their paſſion for booty making them diſperſe in queſt of it; but it was alſo owing to them that very little loſs was ſuſtained in the retreat; for they had emptied ſo entirely all the ſtables in the town, that there was not a horſe to be found for purſuing the invaders, who muſt have otherwiſe become an eaſy prey. The high place vacated by the unexpected fall of Lennox, was ſupplied on the day following, by the election of the earl of Mar, a very popular nobleman, in his room.

At the very time of this revolution in Scotland, the court of England were alarmed with a diſcovery that the duke of Norfolk was again engaged in correſponding and plotting with Mary; notwithſtanding the ſolemn promiſe he had made to his own queen, on being diſmiſſed from the Tower, that he would

† The principal leaders in this enterpriſe were, the earl of Huntley, lord Claud Hamilton, and Walter Scott of Buccleugh.

Sir James Melvill ſays, that Ferniherſt and his men were alſo engaged in it. But this account does not agree with the relations of the other hiſtorians, who ſay, that the party employed in this expedition, on their ſetting out in the evening from Edinburgh, ſpread a report, that they were going to Jedburgh, to compoſe a diſcord that had fallen out between the town and the laird of Ferniherſt. Spotiſwood.

for

for ever abandon all ſuch courſes. Mary, vexed at the failure of the negociation for her liberty, that had been carried on in the preceding winter, and having no hopes from the French court, where the queen-mother was always her enemy; had, by means of the Spaniſh ambaſſador, and Ridolphi, a Florentine merchant, who was the Pope's ſecret agent in England, entered into a correſpondence with the duke of Alva, the king of Spain, and the Pope. The biſhop of Roſs was her principal director and agent in this correſpondence, as alſo in that which ſhe maintained with Norfolk; who, though he did not approve of many of the ſchemes of the unhappy queen, for regaining her liberty and crown, was made privy to them all. There were alſo ſeveral other perſons of the firſt rank, who were no ſtrangers to theſe ſchemes ‡; and who, being committed to cuſtody at the ſame time with the duke, did, in order to recommend themſelves to Elizabeth's mercy, readily confeſs all they knew. But the chief evidences againſt the duke were, the teſtimony of Baniſter his lawyer, and of two of his domeſtics; the confeſſion of the biſhop of Roſs, and certain papers, letters, and cyphers, that had come to him from the queen of Scots and the biſhop of Roſs. He underwent his trial, and was condemned by his peers, in the following January; but the queen delayed his execution, until his ſentence had received the ſanction of her commons aſſembled in parliament, in May; who, having beſought her that public juſtice might have its courſe againſt ſo dangerous a criminal, he was, in the beginning of the following month, beheaded on Tower-hill; and by his death the intereſt of Mary in England received its fatal blow.

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In Scotland the operations of the new regency began with an attempt to take Edinburgh; but this failing, the forces that were employed in it were obliged to retire to Leith; and in that neighbourhood the winter was ſpent in unimportant ſkirmiſhes. In the north, lord Adam Gordon, acting as lieutenant under his brother the earl of Huntley, had great ſucceſſes; particularly againſt the Forbeſes, who were zealouſly attached to the ſide of the king. Theſe ſucceſſes encouraged the queen's friends in other parts of the kingdom to exert themſelves. The chief of this party, on the borders towards England, were the lairds of Ferniherſt and Buccleugh; who, about the end of January, having collected three thouſand men, conſiſting of their own friends and dependents, and of a number of the banditti of the marches, Engliſh as well as Scots, attempted to reduce the town of Jedburgh; which, from the beginning of thoſe ſtrifes, had been on the ſide of the king. The regent ſent to the aid of the town the lord Ruthven, with a ſmall body of horſemen and muſqueteers; which were joined by a few more from the neighbouring county of Mers. There had alſo come from Edinburgh to the other party an aid of one hundred and fifty choſen muſqueteers. Buccleugh and Ferniherſt, informed of Ruthven's being at Dryburgh, moved very early in the morning towards Jedburgh to hinder him from entering it. The Jedburghers, at the ſame time, being joined by the laird of Ceſsford and his men, and knowing that Ruthven was coming up, marched forth to receive their enemies in the

A. D. 1572. Buchan. l. 20.

‡ Lords Arundel, Southampton, Lumley, Cobham, &c.

Elizabeth, of England. 1572.

field. Ruthven, aware of the danger the place was in, marched with great expedition, and, before the little armies were engaged, appeared nigh the rear of his enemies, and began to annoy it. The latter dreading an attack on both ſides, retired to ſome neighbouring faſtneſſes; and the banditti diſperſing to their uſual haunts, the chieftains, with their clients, and the company of foot that had come from Edinburgh, marched to Hawick. There Ruthven ſurpriſed them by a march through ſnow in the following night; and the company of foot, abandoned by the horſe, were all made priſoners.

Compl. Amb. p. 151, 152, 168.

During theſe troubles, the queen of England ceaſed not from ſeeming endeavours to reſtore peace between the contending parties. For this purpoſe inſtructions were given to lord Hunſdon to treat with Grange and his company in the caſtle; and afterwards Randolph and Sir William Drury were ſent into Scotland. But the dealings of the court of England in this matter were not candid; as by this time was ſufficiently known to both parties. Elizabeth was alſo very ſparing of her money, which, properly laid out, would, in theſe negociations, have been of mighty effect. Mean while Mary's party had great promiſes, and ſome ſmall ſupplies of money and arms, from their foreign friends; which ſerved to recruit their ſpirits, but added very little to their ſtrength. By the continuance of mutual offences and ſeverities, the animoſity of the contending parties roſe to ſuch a height, that for almoſt two months, in the beginning of the ſummer, no quarter was given by either ſide.

Crawford. Spotiſwood.

The queen of England had, for a conſiderable time paſt, been on bad terms with the king of Spain; and had greatly increaſed the reſentment of that proud monarch, by ordering his ambaſſador to leave her kingdom, on account of the plots in which he had been detected with the Scottiſh queen and her friends. She had alſo cauſe to apprehend from the Pope, and the duke of Alva, all the miſchief it was in their power to do her. To avoid or diminiſh theſe hazards, ſhe began to cultivate a ſtricter friendſhip with the court of France, which was at that time jealous of Spain; and the king and queen-mother of France, by ſeeming to be in concord with England, ſought to obtain the confidence of the Hugonots; propoſing to employ this confidence for their deſtruction. Theſe political motives were ſtrengthened by the ambition of the queen-mother, who had been carrying on, for many months, a fruitleſs treaty for a match between Elizabeth and her ſecond ſon the duke of Anjou. This friendly correſpondence did, however, at length iſſue in the defenſive treaty between the crowns of England and France; which, about the middle of April, was concluded and ſigned at Blois *. The article of this treaty that related to Scotland, was one of the moſt difficult to adjuſt. Elizabeth would not allow the name of the queen of Scots to be mentioned in the treaty; and the king of France did, in effect, by this treaty renounce her intereſts. For it was ſtipulated, that no innovation ſhould be made in Scotland; that both princes ſhould join in defending that kingdom againſt foreigners, whom they ſhould not allow to enter it, or to ſupport the Scottiſh

* This treaty is not publiſhed by Rymer.

factions;

factions; a right only being reſerved to the queen of England of purſuing, with arms, all who afforded protection or ſupport to the Engliſh rebels that were then in Scotland.

James VI. K. of Scotland. 1572.

By virtue of this treaty the Engliſh garriſons ought to have been withdrawn from the fortreſſes of Home and Faſtcaſtle. But this not being done when the duke de Montmorency came over on a ſolemn embaſſy, about two months after, to receive the ratification of the treaty, the queen, before giving her oath, made a proteſtation, that though the abovementioned fortreſſes were not reſtored, yet the fault was not in her; who had propoſed the reſtitution of them both to lord Home and the regent. But the former expreſſed his deſire that the queen ſhould rather retain theſe places, than that they ſhould furniſh freſh fewel to the civil diſcords that already raged with ſo much violence. That it had been thereupon propoſed to the regent, that the lord Home ſhould have his caſtle, upon his acknowledging the king; which the lord Home offered in words, but the regent alleged, that this offer was only made with a view of recovering his fortreſſes, and that he would then return to aſſiſt thoſe in the caſtle of Edinburgh; which allegation the queen had reaſon to think was well founded in truth. And with regard to Faſt-caſtle, when this was ſeized by the Engliſh, it was held by lord Home, not as his own, but in quality of tutor to an infant, who had now come to age, and adhered to the party of the king. This proteſtation, joined to aſſurances which the Engliſh ambaſſador in France was ordered to give, in the name of his miſtreſs, that ſhe meant not to detain either the one or the other of theſe fortreſſes, ſeems, for the preſent, to have ſatisfied the French court; although the continued detention of theſe places by the Engliſh, did afterwards occaſion new remonſtrances from that quarter. Comp. Amb. p. 414.

Soon after the concluſion of the treaty at Blois, the French king ſent Le Croc, and the queen of England Sir William Drury, to be joint mediators in a peace between the contending parties in Scotland. Theſe negociators found it difficult to deal with perſons ſo much irritated againſt each other. They did, however, in the beginning of June, prevail with them to ceaſe from the barbarous cuſtom of giving no quarter; and, in the end of the following month, brought them to agree to a truce for two months; in the courſe of which, a convention of eſtates was to be held in order to ſettle a full agreement, and if a reconciliation could not be concluded, the matters in diſpute were to be referred to the queen of England and the king of France: of this truce all were to enjoy the benefit, except the murderers of king Henry, and of the two regents, and the banditti of the Highlands and the borders. In particular, it was agreed, with regard to the latter, that neither party ſhould ſeek an impunity for them, for treſpaſſes committed againſt England; but that the offenders ſhould be anſwerable for ſuch treſpaſſes, according to the laws of the marches. While this negociation was carrying on, a ſecret bargain was concluded between the court of England and the earl of Morton; in purſuance of which, the earl of Northumberland, who had remained priſoner at Lochlevin, ever ſince he was ſent thither by the regent Murray, was given up to lord Hunſdon at Berwick. The court of England paid a high price for the delivery

Elizabeth, Q. of England.

delivery of this unfortunate earl; who ſoon after ſuffered as a rebel at York *.

1572.

The convention of eſtates to be held according to the truce, did not meet till two or three days before the term of its expiration (*a*); but immediately after their aſſembling, it was agreed that the truce ſhould be prolonged to the firſt of January. To this convention certain articles were propoſed by Grange and his aſſociates in the caſtle; in the view of obtaining the beſt ſecurity they could, for the perſons and eſtates of themſelves and their friends. One of theſe articles was, that the fortreſſes of Home and Faſt-caſtle, with their dependencies, ſhould be reſtored to lord Home; alſo, that the abbey of Coldingham ſhould be reſtored to its prior John Maitland, the brother of Lethington; and that the queen of England ſhould engage to warrant thoſe poſſeſſions to the perſons mentioned. In the other articles it was propoſed, that Grange ſhould have a great ſum allowed him for defraying the debt he had contracted in the wars †; and that his lands ſhould no longer hold of Morton, but of the king; and that licence might be given him and his companions to repair to France, or to ſuch places of Scotland as they ſhould chuſe. Theſe demands being high, and at the ſame time diſcovering a jealouſy of Morton, were oppoſed by this earl and thoſe of his party, who were by far the moſt numerous in the meeting; yet they were not abſolutely rejected, but the farther conſideration of them delayed, until the end of the following month, when a meeting for that purpoſe was appointed to be held at Perth. The mind of the regent being ſet on peace, which he hoped would have been concluded at this convention, the diſappointment afflicted him ſo deeply, that he died, as was generally believed, broken-hearted, about the end of the following month.

(*a*) Sept. 27. Melvill, p. 233, &c. Crawf. p. 237, &c. Spotiſwood, p. 263, 264.

Oct. 29.

The horrid maſſacre of the Proteſtants lately committed in France, did greatly weaken the intereſt of the French court in Scotland, and at the ſame time much ſtrengthened that of the Engliſh queen; who was juſtly conſidered by all the reformed, as their ſureſt bulwark againſt the perfidy and cruelty of the Papiſts. The influence of England appeared, and was at the ſame time greatly increaſed, by the eſtates of Scotland conferring the regency on the earl of Morton, a man who had been long wholly devoted to the Engliſh court ‡. The Engliſh ambaſſador Killigrew became now the mediator between

Nov. 15.

Spotiſwood, p. 267, &c.

* It was ungrateful in Morton to forget his obligations to the earl of Northumberland, during his own exile in England.

The ſong in Dr. Percy's Collection makes Northumberland ſay,

When the regent was a baniſhed man,
With me he did fair welcome find. Dr. Percy's Col. vol. i. p. 261.

This earl of Northumberland was ſucceeded by his brother Henry Percy, *in virtue* (ita Carte) of Philip and Mary's letters patent, May 1557, granting the earldom to Thomas and the heirs-male of his body, and in failure thereof to Henry, with the ſame limitation; the latter grant, being diſtinct from that, to his elder brother, and not affected by his attainder; though it could not take place till his deceaſe. Carte, vol. iii. p. 590.

† 20,000 merks.

‡ It is one of the inſtructions given by the eſtates to Morton, at his election, that he ſhould be careful to entertain the amity contracted with the queen of England. Spotiſwood, p. 267.

Morton

Morton and his adverſaries. Grange and his companions in the caſtle of Edinburgh ſtill inſiſted on terms that Morton would not grant. And at the expiration of the truce, hoſtilities from the caſtle recommenced. Theſe however did not hinder the meeting of a parliament at Edinburgh, in the end of January; where acts were made for maintaining the preſent form of government, and the true religion, which were conſidered as inſeparably connected. In the mean time, a negociation was carrying on between the regent, and the duke of Chatelherault, and the earl of Huntley; who conſented to treat apart from their friends in the caſtle. The reſult of this negociation was a treaty concluded the following month at Perth, wherein the intereſts of the exiled queen were abandoned by her principal friends; and, in conſequence of their ſubmiſſion of theſe to the authority now at preſent eſtabliſhed, their reſiſtance to it in time paſt was forgiven, and their former rights and poſſeſſions reſtored and ſecured. Some circumſtances which the parties in this treaty did not fully ſettle, they referred to the deciſion of the Engliſh queen.

James VI. K. of Scotland.

A. D. 1573.

Feb. 23. Crawf. p. 252.

As the lord Home was all this while in the caſtle of Edinburgh, united in counſels and actions with Grange and Lethington, the queen of England was thereby furniſhed with a good pretence, for detaining the fortreſſes of Home and Faſt-caſtle. In the inſtructions given to the earl of Worceſter going to the French court in January, to repreſent his miſtreſs at the baptiſm of the French king's daughter, he was directed to inform that monarch, that the queen had hitherto kept at her own expence the caſtle of Home, in the view of bridling both parties, and bringing them to an agreement; that to have delivered it to lord Home while in arms againſt the king, would have tended only to encourage him to be more obſtinate in his reſiſtance; that if ſhe had delivered it to one of the king's party, it might have been difficult, after the return of peace, to have procured the reſtitution of it to its natural lord; but that now ſhe thought it beſt, that upon her delivering it to the king's party, aſſurance ſhould be given by them to reſtore it to lord Home, on his ſubmitting to the king as he had formerly done. In the ſame inſtructions the queen complained of the obſtinacy of thoſe in the caſtle, and of their inſolent contempt of herſelf and the French king, in paying no regard to the great pains taken by theſe monarchs to reconcile them with their fellow-ſubjects. She complains alſo of the injuries done to her ſubjects by the outlaws and thieves on the borders; againſt whom no redreſs could be obtained, by reaſon of the continuance of the civil troubles in Scotland, the one or other party being always ready to protect offenders. When the queen's purpoſe of delivering Home-caſtle to one of the king's party was ſome time after more plainly intimated to the French king by the Engliſh ambaſſador, that king obſerved, that though the league did not expreſsly mention that the caſtle of Home ſhould be reſtored to its lord, yet *that* was its meaning; and that he would rather that the queen ſhould retain it, than that it ſhould be delivered to the hands of any other. And upon his adding, that he would adviſe about the matter with his council; the ambaſſador told him, agreeably to the inſtructions brought over by Worceſter, that the queen would capitulate with

Comp. Amb. P. 320, 321.

Ib. p. 324. 329.

Elizabeth, Q. of England. 1573.

those to whom it should be delivered, to restore it to lord Home, upon this lord's submitting to the king's authority.

Crawford. Spotswood.

Grange and his friends in the castle were now the only open enemies to the king and regent. The articles of the treaty at Perth were carried to them by the English ambassador; but neither his persuasions, nor those of their best friends in the king's party, could engage them to accept of these articles, and lay down their arms. Grange was the most celebrated warrior, Lethington the wisest politician of their age and country. They trusted to their talents and past good fortune, and still flattered themselves with the hopes of aid from France and Spain. But, besides that, their cause was now too evidently desperate, France was engaged in the tedious and destructive siege of Rochelle, and the duke of Alva distressed by the enemies his own cruelties had created him in the low countries. In these circumstances the queen of England was formidable to both France and Spain, and both were actually courting her friendship. It was prudent in Morton, and his good ally, Elizabeth, to embrace so favourable a season for giving the last blow to the power of their adversaries in Scotland; and Morton, destitute of the means of reducing by force a place of so great strength as Edinburgh castle, readily obtained from the English queen a body of troops, and a train of artillery to be employed in that service, which were sent from Berwick in April, under the command of Sir William Drury.

Spotsw. p. 270. Crawford.

Previous to the march of the English forces, the lord Ruthven was deputed from the Scottish regent, and met with Drury in the church of Lamberton, at a small distance from the bounds of Berwick; and there agreed on the order and conditions to be observed in this expedition. Besides settling the manner of disposing of persons and things that should be found in the castle, it was agreed, that the regent should furnish the English with all necessaries, and join to them a sufficient body of horse and foot; that the wives or nearest relations of the English killed in the siege, should have a reasonable gratuity, at the discretion of the English general; that any of the great guns damaged in the service, should be replaced by pieces out of the castle of the same size and metal; that the English general should not fortify on Scottish ground, without permission of the regent; that on the castle being taken, he should retire immediately with his forces and artillery; and lastly, that for the safe return of the English soldiers, the chances of war excepted, the Scots should deliver certain noblemen's sons as hostages, to be detained in Berwick, or other places nearest to Scotland, until the end of the expedition.

Camden. Spotswood. Crawford. Holingshed. Holingshed's Sc. Chr. p. 412. April 26.

As soon as the hostages * were delivered at Berwick, Drury marched into Scotland at the head of one thousand five hundred men. The artillery, among which are said to have been nine great culverins that were taken from the Scots on the field of Flodden, and other necessaries for the expedition, were sent round by sea. Grange and his companions refusing a summons to surrender, though accompanied with the offer of their lives, a regular siege

* These hostages were, the masters of Ruthven and Semple, John Cunningham, son to the earl of Glencairn, and Douglas of Kilspendie.

was begun, five batteries erected *; and after a firing of eight or nine days, practicable breaches were made †. An aſſault being then given, a lodgment was made in one of the bulwarks; by this time alſo the ſmall garriſon were exhauſted with watching and fatigue, and in great ſcarcity of water. Theſe circumſtances brought Grange to a parley; the regent refuſing any other terms than a ſurrender at diſcretion, Grange did at laſt, with the advice of Lethington, reſolve to make this ſurrender to Drury, as lieutenant to the Engliſh queen; ſubmitting to her pleaſure the diſpoſal of himſelf and his friends. Although Drury could not, conſiſtently with the convention at Lamberton, make any compoſition with the beſieged without the regent's conſent, yet the circumſtances of this ſurrender, determined him to carry Grange and the other chief perſons to his own quarters, and to keep them there until he received orders from the queen of England how to diſpoſe of them. Theſe orders were ſoon ſent, and required him to deliver them all up to the regent. It is related by ſome, that he obeyed with reluctance, and marched back to Berwick, much diſpleaſed with the queen's putting into the hands of their deadly foe, perſons who had delivered themſelves up to him in hopes of mercy; and complaining of Morton, and the Engliſh ambaſſador Killigrew, who had fruſtrated his interceſſions for them ‡. Lethington and Grange finiſhed ſoon after their career of ambition; the former by a doſe of poiſon in his place of confinement at Leith, and the latter by a public execution in the high-ſtreet of Edinburgh; his brother and two goldſmiths ſuffering along with him. The other priſoners had their lives ſpared; thoſe of rank being confined in places of ſtrength. The moſt conſiderable of them, and indeed the only nobleman amongſt them, was the lord Home, who was detained in the caſtle, where not long after he ended his life §.

James VI. K. of Scotland. 1573.

May 29.

June 18. Stowe.

Auguſt 24

The

* Theſe batteries were raiſed on the ground where Herriot's hoſpital is now built, and were called by the names of the chief commanders: 1. King's Mount. 2. Mount Drury. 3. Mount Lee. 4. Mount Carey, from Sir George Carey. 5. Mount Sutton, from Thomas Sutton maſter of the ordnance at Berwick. Holingſ. and Godſc.

† Melvill ſays, that ſeveral of the captains of Berwick went up to the caſtle, by the breach beat down in the fore wall by the cannons, that they might ſay, they had won the Maiden-caſtle. Melvill, p. 243.

‡ If Drury complained, as Melvill and Crawford's author poſitively relate, this ſeems to have been the ground of it; for, by the convention referred to, it is plain, he had no power without the regent's conſent, to engage, as Melvill pretends he did, that the beſieged ſhould come forth with their arms, bag and baggage, and have their eſtates reſtored. Melvill writes from memory, and was biaſſed in favour of Grange, who was his nephew; ſo that his account of this tranſaction is in ſeveral reſpects erroneous. Yet what he ſays of Drury's diſcontent may in general be true. He adds, that Drury, conſidering himſelf as diſhonoured, would ſerve no longer at Berwick; and indeed, in the month following this tranſaction, Sir Valentine Brown appears in Drury's place, in the council-book of that garriſon. MSS. Council-Book in Archives of Berwick.

It is ſtrange, that Carte makes no mention of the convention at Lamberton, though both in Spotſwood and Crawford.

§ Melvill aſcribes the preſervation of lord Home's life, to the regent's dread of Alexander Home of Manderſton, Coldenknows, the goodman of North-Berwick, and others of the name, who were open and loud in their menaces of vengeance. Camden ſays, that the ſparing of Home and the reſt, was owing to the interceſſion of the Engliſh queen, who, on that account, was praiſed for her clemency. Carte, from Fenelon's diſpatches, relates, that lord Home paying Morton 10,000 l.

Elizabeth, Q. of England.

1573. Spotſw. p. 272.

The regent being now eſtabliſhed in the undiſturbed poſſeſſion of the ſupreme authority, maintained and exerted it with great vigour. One of his firſt cares was, to put an end to the diſorders that had prevailed on the marches during the late troubles, and which had given juſt occaſion to frequent complaints from the court of England. To oblige this court, to whom he owed ſo much, he viſited in perſon the ſcene of theſe diſorders, met with Sir John Forreſter, the Engliſh warden of the middle-march; and in concert with him, took the moſt effectual meaſures to redreſs paſt, and prevent future, injuries. He compelled the heads of the principal families to deliver pledges for their good behaviour, and appointed wardens in whom he could confide. Theſe were, Sir James Home of Cowdenknows for the eaſtern; Sir John Carmichael, one of his principal miniſters, for the middle; and lord Maxwell, for the weſtern, marches.

A. D. 1574. The intereſt of the exiled queen was ſtill farther weakened in the following year, by the death of Charles IX. of France, whoſe fondneſs for Mary would have had more conſpicuous effects, had it not been thwarted by the averſion of his mother to that princeſs, and had he not been almoſt continually employed at home by his wars with the Hugonots. His ſucceſſor Henry III. from his hatred to the houſe of Guiſe, did alſo hate Mary; and her intereſt, ariſing from her connexion with that potent houſe, was greatly weakened by the death of the cardinal of Lorrain, which happened before the expiration of the year.

A. D. 1575. Notwithſtanding the circumſtances above related, which all tended to preſerve peace between the neighbouring nations, this peace was in hazard of being broken in the ſummer of the year following. At a meeting held in the accuſtomed time and manner, at a hill called the *Red Swire*, on the middle march between the kingdoms, Sir John Forreſter, warden of that march on the ſide of England, who was then alſo governor of Berwick *, and Sir John Carmichael, warden of the oppoſite march in Scotland, were employed in the ordinary buſineſs of hearing cauſes and redreſſing wrongs. In the progreſs of this work, an Engliſhman, who had been convicted of theft, and was a notorious offender †, was demanded by the Scottiſh warden to be delivered up, according to the law of the marches, to be the priſoner of the owner of the goods ſtolen, until ſatisfaction ſhould be made for them. This delivery being excuſed for the preſent by Forreſter, on ſome pretence that did not ſatisfy Carmichael, he entered into expoſtulations with Forreſter; who being thereby provoked, behaved haughtily, and gave ſigns of reſentment apparent to all around him. This was ſufficient incitement to ſome of his attendants to attack

July 7. Godſ. p. 252. Spotſw. p. 274. Camden. Crawford.

was put in poſſeſſion of Home and Faſt-caſtle. Elizabeth muſt therefore have put theſe caſtles into the hands of Morton. But how doth this accord with Home's being detained in the caſtle of Edinburgh until his death?

* In a minute of council dated at Berwick 12th of February, the title is, Before Sir John Forreſter knight, having the preſent government here, and before the reſidue of the council here. And on Saturday the 24th of July, he alſo appears at the head of the council, with the title of the Right Worſhipful Sir John Forreſter knight, lord warden of the middle marches of England againſt Scotland. Berwick Archives. Probably he had a deputation from lord Hunſdon.

† Godſcroft calls him Farnſtein; *who had been ſued by a bill, of goods ſtolen from Scotland.*

thoſe

James VI. K. of Scotland. 1575.

thoſe of the other ſide; which they did, by a flight of arrows that killed one Scotchman, and wounded ſeveral others *. The Scots, by this unexpected aſſault, were driven off the field; but being met in their flight by ſome Jedburgh-men, who were coming to attend the warden, they were encouraged to turn back on their enemies; which they did with ſo much vigour, that they put them to an entire rout. In this rencounter, Sir George Heron, keeper of Tindale and Ridſdale, a man much eſteemed in both realms, was ſlain, together with twenty-four of his countrymen. The Engliſh warden himſelf, his ſon-in-law, Francis Ruſſel ſon to the earl of Bedford, Cuthbert Colinwood, James Ogle, Henry Fenwick, and ſeveral others, were taken priſoners. Being carried to Morton at Dalkeith, they were treated with the greateſt humanity; but he detained them a few days, in order to give time to their reſentment to ſubſide, which might in its firſt fury have been the occaſion of greater miſchiefs. He alſo required them, to ſubſcribe engagements to make their appearance in Scotland at a certain day, and then diſmiſſed them with great expreſſions of regard.

Camden. Godſcroft. Murdin's State Papers, p. 286. Dugd. Eng. Peer.

The queen of England, when informed of theſe proceedings, was very much incenſed, and ſent orders to her ambaſſador Killigrew, who had a little before gone to Scotland †, to demand immediate ſatisfaction for ſo great an outrage. Killigrew was alſo directed to inform the regent, that the queen had ordered the earl of Huntingdon, who was then preſident of the council at York, and lieutenant of the northern counties, to repair to the borders for the trial and ordering of this matter; and that ſhe expected that Morton would meet with him in perſon, for that effect. Morton, ever ſtudious to gratify Elizabeth, readily agreed to the propoſal. The two earls accordingly met at Fouldean near the Berwick boundary ‡, and continued their conferences there for ſome days, in the courſe of which, Morton made ſuch conceſſions, and agreed to ſuch conditions of redreſs, as entirely healed the offence. Carmichael, who was conſidered as the principal offender, was ſent as a priſoner into England, and detained a few weeks at York; but the Engliſh court being now convinced that Forreſter had been in the wrong in the beginning of the fray, the Scottiſh warden was diſmiſſed with honour, and gratified with a

* The Engliſh bowmen, ſays Godſcroft, were chiefly of Tindale. The Scots that fell in this ſkirmiſh, according to Crawford, were the laird of Mow and three private men.

† That Killigrew had been ſent down to Scotland a little before this diſturbance on the borders, is evident from a memorial of occurrences in Scotland, publiſhed by Murdin, which, though it has no name, plainly appears to have been written by Killigrew. In this memorial, Killigrew mentions the lord Home, and others, making application to him, to intercede for them, with the regent; and that his anſwer to them was, that the queen pitied them, and had inſtructed him to deal with the regent concerning them; but that this late accident had hindered him from following any part of his firſt inſtructions, until the regent had ſatisfied the queen with regard to it. He adds afterwards, that lord Home, being in deſpair to obtain any relief from the regent, had ſolicited him (Killigrew) to uſe his intereſt with the queen to give him a penſion for his ſuſtenance. Then he ſays, that he thinks the man will not live long, being conſumed with ſickneſs.

‡ The Scottiſh writers ſay, they met at Fouldean. Camden ſays, it was at the bound-road on the very limit between the kingdoms. The regent lodged at Langton, about eight miles weſt from Fouldean, and went from his lodging every morning to the meeting. (Killigrew's Memorial above quoted.) The earl of Huntington probably reſided in Berwick.

Elizabeth, Q. of England. 1575.

preſent. To effectuate the reſtitution of goods which Morton had engaged ſhould be made by the ſubjects of Scotland, he ſummoned all on this ſide of the Forth, to attend him with twenty days proviſion of victuals, in an expedition to the borders; but this ſummons ſufficed to awe the offenders to make, of themſelves, the reſtitution required.

On occaſion of this diſturbance, lord Hunſdon had come down to attend his government of Berwick, and was reſiding there while the conferences were held between Huntingdon and the Scottiſh regent. Perhaps the joint attention of the two Engliſh lords to the ſtate of Berwick, at that time, may have given riſe to a new eſtabliſhment and order, relating to the garriſon of that town; the regulations introduced by which, took place from the Michaelmas of the preſent year; and an account of them is ſubjoined in a note *.

MSS. in Berwick Archives, and in the duke of Northumberland's library at Alnwick-caſtle.

No

* Their date is the 20th of June, in the year following, at which time they probably received the royal ſanction.

By theſe regulations the number of the garriſon was diminiſhed, and at the ſame time, an augmentation made in the pay of ſeveral of its conſtituent members, eſpecially of the principal officers, with a view perhaps to engage them to attend their poſts better than they uſually did. The chief part of the garriſon was to conſiſt of eight companies of muſqueteers, two of them containing one hundred, and the remaining ſix fifty men each. The pay of the private men eightpence a day, of the captains of the larger companies four ſhillings, and of the leſſer two ſhillings. There were eighty horſemen under the command of eight conſtables. The horſemen had four-pence a day added to their former pay of 6 *l.* 13 *s.* 4 *d. per ann.* Four of the conſtables had the ſame addition made to their former pay of 10 *l. per ann.* and the remaining four to their yearly pay of 8 *l.* One of the moſt conſiderable changes made by this new eſtabliſhment, was the augmentation of the number of gunners for the great ordnance, which was increaſed from twenty-eight to ſixty. This body had now appointed for officers, a maſter gunner, a mate, and four quarter-maſters. The whole eſtabliſhment of the artillery-men coſt annually about 860 *l.* and it was under the direction of the maſter of the ordnance at Berwick, and in the northern parts. The following appointments were made to the principal officers for themſelves and attendants.

To the lord governor for himſelf 133 *l.* 6 *s.* 8 *d.* one chaplain 13 *l.* 6 *s.* 8 *d.* one ſecretary 13 *l* 6 *s.* 8 *d.* forty houſehold ſervants at 6 *l.* 13 *s.* 4 *d. per ann.* each, 266 *l.* 13 *s.* 4 *d.* eſpecial money *per ann.* 40 *l.* and a reward given by the queen's majeſty, in conſideration of his barony. In all *per ann.* 666 *l.* 13 *s.* 4 *d.*

To the marſhal for himſelf 33 *l.* 6 *s.* 8 *d. per ann.*; one under-marſhal 16 *l.* twenty horſemen at 6 *l.* 13 *s.* 4 *d.* each, 133 *l.* 6 *s.* 8 *d.*; two tipſtaffs at 106 *s.* 8 *d.* each, 10 *l.* 13 *s.* 4 *d.*; and for an increaſe of pay given by the queen's majeſty 66 *l.* 13 *s.* 4 *d.* In all *per ann.* 260 *l.*

To the treaſurer for himſelf 20 *l. per ann.* two clerks 13 *l.* 6 *s.* 8 *d.* each, *per ann.* 26 *l.* 13 *s.* 4 *d.* twenty horſemen 6 *l.* 13 *s.* 4 *d.* each, *per ann.* 133 *l.* 6 *s.* 8 *d.* and for an increaſe given by her majeſty 80 *l.* In all *per ann.* 260 *l.*

To the gentleman porter for himſelf 20 *l. per ann.*; ſix horſemen at 6 *l.* 13 *s* 4 *d.* each, *per ann.* 40 *l.* fourteen footmen at 106 *s.* 8 *d.* each, *per ann.* 74 *l.* 13 *s.* 4 *d.*; and for an increaſe given by her majeſty of 50 *l. per ann.* In all *per ann.* 184 *l.* 13 *s.* 4 *d.*

To the chamberlain for himſelf 20 *l. per ann.* and twelve ſoldiers, *viz.* four at 6 *l.* 13 *s.* 4 *d.* each, *per ann.* 26 *l.* 13 *s.* 4 *d.* and eight at 6 *l. per ann.* each, 48 *l.* In all *per ann.* 94 *l.* 13 *s.* 4 *d.*

To the maſter of the ordnance of the northern parts for himſelf 5 *s.* a day, 91 *l.* 5 *s.* one clerk at 12 *d.* a day, 18 *l.* 5 *s.*; two ſervants at 6 *d.* a day, 18 *l.* 5 *s.*; and two labourers at 6 *d.* a day, 18 *l.* 5 *s.* Total amount 146 *l.*

The governor of Berwick, at the time of this eſtabliſhment, was Herry lord of Hunſdon; the officers who commanded the garriſon under him, and compoſed the governor's council were, Sir Robert Conſtable knight, high marſhal, Robert Bowes eſq; treaſurer, John Selby eſq; chief porter, Sir Francis Ruſſel knight, chamberlain; Thomas Sutton eſq; maſter of the ordnance.

By

No mention is made by the hiſtorians of either kingdom, of any diſturbance happening on the borders, during the remainder of Morton's regency. But the duration of this, fell far ſhort of the king's attaining the age of eighteen, which was the period aſſigned it, when Morton received his charge. A people ſo habituated to licenſe as the Scots, could not have been long content with the beſt adminiſtration; but Morton being haughty, arbitrary, and in many inſtances rapacious, became univerſally unpopular, and alienated from him his beſt friends. He thought himſelf ſecure in the protection of the queen of England, and ſhe indeed was ever at hand, to aſſiſt him effectually in maintaining his power over the parts of Scotland that lay next her kingdom. But her aid was of much leſs avail againſt the northern chieftains. Two of the chief of theſe, Argyle and Athol, after having been at ſtrife between themſelves, united againſt Morton as a common enemy; though his only crime with regard to them, ſeems to have been his endeavouring to make them obedient to the laws. Theſe two noblemen came to the king not yet twelve years old, at Stirling, where his keepers were Morton's enemies, and were joined by ſo great a number of the other nobles, who preferred the government of a boy, to that of the hated and envied regent, that Morton thought it better to reſign his office, retiring quietly with his gains, and as ample a diſcharge as he himſelf could frame, than to enter the liſts againſt enemies ſo fierce and numerous, and to whom he was able to oppoſe ſo ſmall a force of real friends. He had, not long before this revolution, appointed his nephew the earl of Angus to be lieutenant for the king on the marches, in order to keep peace more effectually there. But this commiſſion was taken from Angus, ſoon after his uncle ceaſed to be regent. It was, not long after, given to the lord Ruthven, who exerciſed it with applauſe, in quelling diſturbances on the weſtern border.

James VI. K. of Scotland. 1575.

Spotſwood. Crawford.

A. D. 1578. March 12.

Spotſwood.

Morton's enemies had been ſo much accuſtomed to ſtand in awe of him, and thought they had gained ſo great a point in diveſting him of the ſupreme authority, that they eaſily conſented to his retiring, without compelling him to give a ſtrict account of his adminiſtration. But the complaints of ſome, who pretended to be his friends, on account of his quitting the reins ſo haſtily,

Spotſwood. Calderwood.

By this eſtabliſhment there was an appointment to the mayor of the town of 10 *l. per ann.* to the cuſtomer 10 *l.* and to the comptroller of the cuſtoms 5 *l.* The maſter of the ordnance had under his charge more than twenty artificers employed in works of different kinds, for the ſervice of the garriſon; among theſe, was one bowyer or bow-maker, one fletcher (flecheur) or maker of arrows, and one maſter wheeler.

The whole number of men of all kinds, provided with pay by theſe orders, was nine hundred and eighty; and the ſum total of their annual expence 12734 *l.* 19 *s.* 2 *d.*

With this eſtabliſhment for the garriſon of Berwick, was joined the appointments for the keeping of the neighbouring march and fortreſſes in that quarter. From theſe we learn, that the ſalary of lord Hunſdon, as warden of the eaſt marches, was 400 *l* and that 20 *l.* was paid to two deputy-wardens, and 4 *l.* to two land ſerjeants. We farther learn, that the keeping of the fortreſſes in the Holy and Fearn Iſlands, was granted by patent for life to Sir William Read, with the annual ſalary of 362 *l.* 17 *s.* 6 *d.* and that in the caſtle of Wark were paid four gunners, which coſt annually 57 *l.* 15 *s.* 10 *d.* The keeping of Tinmouth caſtle, we are informed, was in the hands of the earl of Northumberland for life, by letters patent, with the ſalary of 274 *l.* 16 *s.* 8 *d.* The whole amount of all the articles in this eſtabliſhment, is 13330 *l.* 4 *s.* 2 *d.*

Elizabeth, Q. of England. 1578. July 25.

and his own inveterate habits of ambition, ſoon brought him forth from his retreat; and he had the addreſs, without recovering the dignity and authority of the regent, to obtain the firſt place in the council of the young monarch, and to become maſter of his perſon in the caſtle of Stirling. A parliament was held in this place *, which confirmed the king's acceptation of the government, and at the ſame time gave Morton a diſcharge for his adminiſtration. The earls of Argyle, Athol, Montroſe, and others, refuſed to attend this parliament; proteſting, that it could not be free, while the place in which it met, was in the power of Morton. They alſo charged him with depriving the king of his liberty; and iſſued proclamations in their ſovereign's name, requiring all his ſubjects to aſſemble in arms for effecting his deliverance. Conſiderable numbers having joined them, and particularly many of the inhabitants of Edinburgh, whom Morton had offended by certain ſeverities, they ſet out from the laſt mentioned city towards Stirling, and were met at Falkirk by a body of forces commanded by the earl of Angus, as lieutenant for the king; and a battle would have enſued, had not Sir Robert Bowes, the Engliſh ambaſſador, going between the armies, brought the contending nobles to a reconciliation. By the firſt article of the convention between them, it was agreed, that all the forces on both ſides ſhould be diſmiſſed, excepting a few horſe, who ſhould be retained on the king's charges, and employed for quieting the borders.

Camden. Auguſt 14. Spotſw. p. 287.

Soon after, the oppoſite factions of the nobles were brought to a conference at Stirling, and with much difficulty prevailed with to profeſs a thorough reconciliation. Morton employed the aſcendant he ſtill poſſeſſed in the council, to deſtroy his ancient rivals and enemies the Hamiltons; who were forfeited, for the ſhare they had in the deaths of the regents Murray and Lennox. But this was the laſt conſiderable exertion of his power; a rival unexpectedly appearing, who quickly gained a dominion over the king's heart that produced Morton's deſtruction. This favourite was Eſme Steward lord D'Aubigny, couſin german to the king's father. He was born and educated in France, and coming over to Scotland, on pretence of viſiting the king, did ſoon captivate his affections, by his agreeable perſon and pleaſing manners. D'Aubigny's grand uncle the biſhop of Caithneſs, was at this time poſſeſſed of the earldom of Lennox. To enable the king to gratify his favourite, by conferring upon him a dignity to which he was ſo nearly allied, at the king's deſire the biſhop reſigned his earldom, and was created earl of March, a title which had been long dormant, and was on this occaſion revived. The perſon

Spotſwood, A. D. 1579.

Spotſw. p. 308, &c.

* Godſcroft ſays, that lord Home was reſtored from his forfeiture in this parliament; but there is no mention of this reſtitution either in the printed acts, or in the titles of the unprinted. This reſtitution the ſame author aſcribes to the intereſt and procurement of Sir George Home of Wedderburn, who obtained Morton's conſent to it. Wedderburn was nearly related to the family of Angus, and Morton as a friend adviſed him againſt proſecuting this reſtitution of his chief; to whoſe houſe, if taken out of the way, that of Wedderburn was the next in ſucceſſion. But Wedderburn rejected the ſuggeſtion, declaring, "that whatever were the carriage of the houſe of "Home to him, he would do his duty to them, and if his chief ſhould turn him out of the fore "door, he would come in again at the back door." The wardenry of the eaſt-march, was, at this parliament, taken from Coldenknows and given to Wedderburn.

next in the king's favour, was captain James Stewart, a ſon of lord Ochiltry; who afterwards received the title of earl of Arran. A great cry ſoon aroſe among the clergy and people againſt Lennox, as being a papiſt ſent over by the court of France, to corrupt the principles of the young king, and ſubvert the reformed religion; and theſe clamours were not ſilenced, by Lennox profeſſing himſelf, in the moſt ſolemn manner, a convert to the proteſtant faith. The other favourite, Stewart, had made himſelf very unpopular by his profligacy and contempt of religion. Morton and his party did what they could, to promote the ſuſpicions and odium conceived againſt two ſuch dangerous rivals. While they, on the other hand, ſpread reports that Morton was plotting to put the king into the hands of the Engliſh queen. Theſe reports gave occaſion to the eſtabliſhment of a band of noblemen's ſons, for the defence of the king's perſon, and to the promotion of Lennox to the dignity of high-chamberlain, to whoſe office the command of theſe new attendants of the king belonged. The Engliſh court grew ſo jealous of the exorbitant power of this favourite; that Mr. Robert Bowes, treaſurer of Berwick, was ſent ambaſſador, to warn the king and his council of the dangerous conſequences to be apprehended from it. Bowes, on being admitted into the council, requeſted that Lennox might for a while be removed out of it, which was abſolutely refuſed. The council, on the other hand, required him to produce his inſtructions for making ſo unuſual a requeſt; but this the ambaſſador would not do, unleſs to the king, and one or two beſides *. On advertiſing his court of the behaviour of the Scottiſh counſellors, Bowes was immediately recalled, and bade the king an unexpected farewel, complaining of the ſmall regard that was paid to the friendly warnings of his miſtreſs. The Scottiſh council alarmed with Bowes's ſudden departure, ſent Alexander Home of North Berwick, to the Engliſh queen, to excuſe their treatment of her ambaſſador; and to receive from her that friendly intelligence and advice which Bowes had profeſſed to bring †. The queen would not admit Home to her preſence, but remitted him to her treaſurer Burleigh, who declared to him very plainly, the ſuſpicions the queen entertained of Lennox, and the dangers ariſing from the power of this favourite to the king's perſon, the proteſtant religion, and the peace between the kingdoms.

James VI. K. of Scotland. 1579.

Camden.

Theſe proceedings of the court of England being all aſcribed to the ſecret advice and influence of Morton, a reſolution was formed to deſtroy him. For this purpoſe captain James Stewart accuſed him, in preſence of the king's council, of being an accomplice in the murder of the king's father. Morton,

A. D. 1580. Dec. 31. Spotſwood. Camden.

* Moyſes relates this tranſaction as follows: That Bowes on the 2d of September, coming from the queen of England, after audience of the king, preſented to his highneſs and council, a general letter cloſed, bearing his credentials; but he refuſed to open up his commiſſion to his majeſty, or to his council, either by word or writ, until Eſme earl of Lennox was removed out of council; which deſire his majeſty and council not finding reaſonable, they would in no wiſe conſent to the removing of the ſaid earl; but a like general anſwer was wrote thereto, which accordingly was ſent by the ſame ambaſſador to the queen, and ſo he remained until her majeſty ſhould give an anſwer and new directions.

† According to Moyſes, part of Alexander Home's commiſſion was to deſire the queen's aid, for the ſuppreſſion of the diſorderly perſons on the border. Moyſes, p. 46.

upon

Elizabeth, Q. of England.

A. D. 1581. Jan. 18.

upon this charge, was committed a priſoner, firſt to the caſtle of Edinburgh, and ſoon after, for greater ſecurity, was conveyed to the caſtle of Dunbarton *, of which Lennox had been appointed governor. The queen of England made conſiderable efforts to ſave her old and uſeful friend. She diſpatched Randolph, who had ſerved her ſo often in Scotland, to intercede for Morton, and to remonſtrate againſt the councils and meaſures of Lennox. Such remonſtrances he delivered with great boldneſs, before a convention of the nobility and eſtates; where, among other proofs of the tendency of Lennox's meaſures to break the peace between the kingdoms, he took particular notice of the neglect of adminiſtering juſtice on the borders †. The repreſentations, and even menaces of Randolph, meeting with no regard from the ſtates of council, he tried to engage a party of the nobles, to endeavour by open force to reſcue Morton, and to take the king out of the hands of his favourites. To encourage and aid this enterpriſe, a conſiderable body of Engliſh forces were ſent to Berwick and the borders ‡. But Lennox and Arran, whoſe inexperience perhaps made them the leſs apprehenſive of danger §, boldly iſſued royal proclamations, commanding all the Scottiſh ſubjects to be in readineſs to oppoſe the threatened invaſion; and alſo levied a body of mercenaries, for defence of the king's perſon againſt any ſudden aſſault. They likewiſe diſcovered and broke a combination of nobles, that had been formed by Randolph's management. This bold and buſy miniſter had excited ſo vehement a reſentment in the reigning party againſt him, that his public character was no longer able to protect him. After being openly inſulted in libels, and having had a gun fired into his chamber-window, he made a haſty retreat to Berwick. The earls of Mar and Angus, the only two of the Scottiſh nobles who continued to act in concert with Randolph for Morton's relief, accompanied, or ſoon followed him, in his flight. Sir John Seaton, maſter of the horſe to the Scottiſh king, was diſpatched to the court of England, to complain of Randolph's conduct, and the marching of forces to the borders in time of peace. But having come to Berwick he was not ſuffered to proceed farther; and after ſtaying ſome days in that place returned. Morton's cauſe, however, being now given up as deſperate, the Engliſh forces were recalled from the borders ‖. Their appearance there had given occaſion to Morton's enemies to

Feb. 27. Strype, vol. ii. p. 621. Moyſes, p. 48.

Randolph's Letter in Strype, vol. ii. p. 138.

* He was guarded by the earl of Glencairn, the lord Seaton, the lord Robert Stewart feuar of Orkney, (a natural ſon of James V.) and their houſehold; alſo by the tutor of Caſſils, the lairds of Bargeny, Lochinvar, Coldenknows, and Alexander Home of Mandeiſton, and two hundred hackbuts furniſhed by the town of Edinburgh. Moyſes, p. 47.

† At this convention the lieutenancy of the borders was conferred on the earl of Montroſe, who had a guard of mercenaries appointed to attend him in the execution of that office, of two hundred foot and five hundred horſe; for the payment of which, a tax of 40,000 l. Scottiſh currency was impoſed on the kingdom. Moyſ. Mem. p. 50. He alſo deſired ſeveral other charges to be borne to him, together with the aſſiſtance of the noblemen and barons dwelling within the bounds of his lieutenancy. Ib.

‡ Melvill calls them ſeventeen companies. P. 254.

§ Melvill ſays, that theſe *two young counſellors knew of no perils*. P. 254.

‖ Carte ſays, but without quoting his authority, that an Engliſh army, under the earl of Huntington and lord Hunſdon, lay ready on the frontiers to enter Scotland; but theſe generals, upon the preparations in Scotland, thought fit to ſtop at Berwick, and diſperſe their forces in Northumberland, Carte, vol. iii. p. 563.

collect

collect a more numerous band of mercenaries, than they could otherwiſe have had any pretence for raiſing ‡. Theſe mercenaries they now employed to guard Morton from Dunbarton to Edinburgh; where, by an aſſize of his peers, he was found guilty of the treaſon laid to his charge; and on the day after his condemnation, was beheaded at the croſs of Edinburgh. James VI. K. of Scotland. 1581. June 2.

The apprehenſion and impriſonment of Morton, probably gave occaſion to a bill in the Engliſh parliament, that met ſoon after, for fortifying the borders towards Scotland *. The affairs of Scotland were always intereſting to the Engliſh court; but Elizabeth was at this time taken up with other great objects. The king of Spain had grown more formidable than ever, by the eaſy conqueſt he had made of Portugal in the preceding year. His forces in the Low Countries were now commanded by the duke of Parma, the greateſt general of the age. It therefore became neceſſary for Elizabeth to give effectual ſupport to the ſtates of the Low Countries, who were combined againſt the Spaniſh tyranny; and with whom ſhe had entered into a league three years before. About this time alſo the duke of Anjou, who had been heir to the crown of France, ſince the acceſſion of his brother to that crown in 1574, renewed his often interrupted courtſhip; with the concurrence of his brother, and the greateſt appearance of a favourable diſpoſition on the part of Elizabeth. But whatever part the queen's coquetry or paſſion had in this affair, it ſeems evident, that the principal view of herſelf and wiſe counſellors, was the cultivation of an uſeful friendſhip with France, and the obtaining of an effectual aid from that kingdom to ſupport the eſtates of the Low Countries. Theſe provinces had conferred the ſovereignty of their country, and the chief command of their forces, upon the queen's lover; but the court of France, diſappointed in their proſpect of bringing the States to a dependence on themſelves, ceaſed to give Anjou the aſſiſtance he ſtood in need of. This failure concurring with his own indiſcretion and ambition, ſoon obliged him to make a diſgraceful retreat from Flanders; and the diſtreſs ariſing from his diſappointments, was believed to have ſhortened his days. Parl. Hiſt. p. 235. March 15.

It is probable, that the good underſtanding between the courts of France and England, during the negociation of this marriage, which had for many months the appearance of being ſerious on both ſides, made the court of England the leſs ſolicitous about the aſcendant maintained by Lennox and Arran in the government of Scotland; which, after the death of Morton, was very abſolute. Lennox was advanced to the dignity of a duke, and Arran confirmed in his earldom, with the precedency annexed to that dignity, while

‡ Moyſes ſays, there were nine hundred waged men, on foot and horſe, under the command of captains. Moyſ. p. 50.

* A bill for this effect was firſt paſſed by the lords, and ſent down to the commons. But the latter preferring a draught of their own, which they ſent up to the lords, and returning with it the bill that had come to them from that houſe, the lords diſapproved of this conduct of the commons, and ordered their diſſatisfaction with it to be recorded in their books. How this diſcord was removed doth not appear; but the bill of the commons, after receiving ſome amendments from the lords, paſſed this houſe, March 15, the commons having approved of the amendments. Parl. Hiſt. p. 235. D'Ewe's Journal, p. 305. 273.

Elizabeth, Q. of England.

A. D. 1582. August 23. Spotſwood.

it was in the houſe of Hamilton. But the extreme ambition and avarice of theſe favourites, and their arbitrary meaſures in matters both of church and ſtate, ſoon wrought their fall. A combination of the offended nobles detained the king at Ruthven, as he was on his return from hunting in the Highlands. His favourites, ſecure of their power, by neglecting to accompany him, ſuffered him to fall into the hands of their enemies. Arran had the boldneſs, on learning what had happened, to go to the caſtle where the king was confined; but inſtead of being admitted to his maſter's preſence, was himſelf committed to cuſtody. Lennox, though of a much better character than Arran, yet could not be borne; on account of the ſuſpicion of his religion, and his connexions with foreign catholics and the friends of the exiled queen. The king, though greatly reluctant, was obliged to iſſue ſtrict orders for his leaving Scotland, and returning to France. After ſeveral delays and vain efforts to ſee his maſter, he ſet out, in the middle of winter, from Dunbarton to Berwick; from whence he paſſed through England, in his way to France. In the ſummer following he died at Paris, profeſſing himſelf a proteſtant; of which the Scottiſh king was very careful to inform his ſubjects.

The king was not only thus ſeparated from his favourites, but was obliged to declare his approbation of the meaſures taken by their enemies to effect this ſeparation. Theſe meaſures alſo received the ſanction of an aſſembly of the church, and of a convention of eſtates. Queen Elizabeth, ſoon after ſhe was appriſed of the revolution in the Scottiſh court, ſent Sir Henry Cary, a ſon of lord Hunſdon, and Mr. Robert Bowes, to reconcile the king's mind to it. Theſe ambaſſadors did likewiſe intercede for the reſtoration of the earl of Angus; who had been an exile in England ſince the death of the earl of Morton. Angus, informed of the intended enterpriſe to ſeize the king, had come to Berwick to wait the event. On hearing that this was according to his wiſh, he came into the Mers, and lodged for ſome time at a gentleman's houſe, adjacent to his eſtate in that county. And the Engliſh ambaſſadors having eaſily prevailed with the king to pardon him, he ſoon after repaired to court, and was graciouſly received.

Godſ. p. 367.

A. D. 1583. Camden. Spotſwood. Murd. p. 372.

In the beginning of the following year, two ambaſſadors arrived in Scotland from France, and two alſo from England †. The two former were commiſſioned to endeavour to free the king from the reſtraint he was under, to propoſe the aſſociation of his mother with him in the government, and to ſignify her conſent to this aſſociation. The buſineſs of the Engliſh ambaſſadors was chiefly to obſerve and thwart the meaſures of the French. The duke of Lennox had been a great promoter of the deſign of reſtoring Mary to liberty, and aſſociating her in the government with her ſon; and the queen of England pretended, for ſome time, to liſten to propoſals of this nature. But from the time the reins of government were taken out of Lennox's hands,

† The French ambaſſadors were, La Motte and Mainingville. The former paſſed through England, and was accompanied by Daviſon, one of queen Elizabeth's ambaſſadors; the other Engliſh ambaſſador was Bowes, probably the ambaſſador reſident at the court of Scotland. Mainingville came by ſea.

there

there had been no more mention of the queen's reſtoration; and when the propoſal was now renewed, ſuch loud clamours were made againſt it by the clergy, and ſuch an abhorrence, at the ſame time, excited in the populace againſt the French ambaſſadors, that after a ſhort ſtay they were glad to retire. James VI. K. of Scotland. 1583.

The reigning nobles ſoon grew ſecure, and quarrelled, as uſual, among themſelves; while the king ſtill retained his indignation at the violence put upon him at Ruthven, and the reſtraint in which he was afterwards held. He had the addreſs, however, to conceal his diſcontent, and ſeizing an opportunity that preſented itſelf at St. Andrew's, he regained his liberty. Soon after, Arran was reſtored to his former truſt and power. Declarations were emitted, teſtifying the king's diſpleaſure with all concerned in the late violent ſeizure and detention of his perſon; but at the ſame time promiſing mercy to thoſe who ſhould become ſuppliants for it, within a limited time. This revolution at the court of Scotland, was ſoon followed by an embaſſy from the queen of England, of her ſecretary Sir Francis Walſingham; who was commiſſioned to complain of the king's caſting off his beſt friends, and of his violating the aſſurance he had given the queen of his purpoſe to favour and employ them. The king is ſaid to have anſwered Walſingham with ſo much ſpirit and judgment, as gave that able ſtateſman very favourable impreſſions of his capacity. Walſingham would not treat with Arran ‡ or any other of the miniſters; but during the few days he was at the Scottiſh court, converſed on affairs with the king alone *; and it is probable, that a principal part of his errand, was to diſcover what he could of the young monarch's inclinations and abilities. June 28. September 8.

The ejected lords, unwilling to diſclaim their former meaſures, abhorring the dominion of Arran, and confiding in their own ſtrength, and the favour of the clergy and people, delayed to ſue for the pardon offered them, until the period fixed for granting it expired. In conſequence of this obſtinacy, they were all by proclamation ordered to depart the kingdom before a certain day. The earl of Gowry having ſtaid long beyond the time prefixed, was apprehended at Dundee. What had detained him was, his entering into a concert with the earls of Mar, Angus, and others, for ſeizing the caſtle of Stirling; and his being apprehended before this was effectuated, was a great diſcouragement to his friends. The caſtle however was ſeized by the abovementioned lords; but their force was ſo ſmall, and ſo much vigour and expedition were uſed againſt them by Arran, and the captain of the king's guard, that the lords were obliged to abandon the caſtle, and ſeek their ſafety by flying into England. They took their route through Tweeddale and the eaſtern part of Tiviotdale; and as they paſſed by Kelſo, in their way to Berwick, had an interview with Francis earl of Bothwell, a grandſon of James V. who was A. D. 1584. April 18.

‡ Arran, in deſpight at Walſingham for this contempt, forbade the captains at Berwick, and ſome other perſons of good rank in his ſuite, to be allowed entrance into the king's chamber. Melvill, p. 296.

* So ſays Melvill; but Camden aſſerts, that Walſingham had money with him, to diſtribute among the Scottiſh courtiers.

Elizabeth. Q. of England. 1584. Godſ. p. 385.

commendator of Kelſo abbey. He came forth to them ſecretly in the night; and the better to conceal his correſpondence with them, a purſuit was pretended, and continued for a mile; the lords flying before Bothwell, till they arrived on Engliſh ground.

Camd. p. 374, 375. Godſ. p. 385, 392.

Theſe lords, with the other refugees from Scotland of the ſame faction, having arrived at Berwick, became ſuppliants to the Engliſh queen for her protection, and for her interceſſion on their behalf with their maſter; pleading, that their attachment to her, and the intereſts of her kingdom, was the principal cauſe of their ſufferings. On the other hand, the Scottiſh king charged them with the higheſt crimes; and demanded that, agreeably to the treaties between the kingdoms, they ſhould be delivered up. But they had friends at the Engliſh court, who put the moſt favourable conſtruction on their conduct; and pretended, that the article in leagues, obliging princes to this reſtitution of rebels, had for a long time grown into diſuſe. Secretary Walſingham, who greatly favoured the Scottiſh refugees, ſent orders to lord Hunſdon, to allow them a retreat in Holy-Iſland: but Hunſdon, who maintained a friendly correſpondence with the king of Scotland and his miniſters, refuſed to obey Walſingham's orders †; alleging, it was unfit to lay open a place of ſtrength to Scotſmen, who might become enemies; and that ſuch a ſtep could not be ſufficiently authoriſed by orders from a ſecretary of ſtate, but required an expreſs mandate of the ſovereign ‡. This occaſioned a diſpute in the Engliſh council, concerning the extent of a ſecretary's powers. Mean while it was reſolved to give entertainment to the Scottiſh lords; who, after ſtaying a ſhort time at Berwick, were removed to Newcaſtle. In their way they viſited the lords John and Claud Hamilton, who reſided at Widdrington. Their common ſufferings determined them to paſs from the reſentment of former offences, and to combine their counſels and endeavours for effecting the reſtoration of them all.

May 4.

The diſappointment and flight of thoſe who had ſeized the caſtle of Stirling, was ſoon followed by the condemnation and execution of Gowry. Theſe great advantages gained over his enemies, raiſed the power of Arran to an higher pitch than it had ever before attained. All his meaſures received the ſanction of a parliament that was ſoon after called, in which the fugitive lords were proſcribed; and acts were paſſed for limiting the power of the church, and for puniſhing the invectives publickly uttered by the miniſters againſt the proceedings of the king and his favourites. But though Arran did thus triumph at home, and obtained from his indulgent maſter whatever his ambition could prompt him to aſk *; yet he found it very requiſite for his quiet and ſecurity to court the favour of the Engliſh queen. Nor did Elizabeth refuſe to enter into a correſpondence with him; this being the only way that

† Lord Hunſdon's being at Berwick at this time does not agree with the date of a letter from him, taken from the Harleian MSS. in the Britiſh Muſeum, and annexed to the memoirs of his ſon Sir Robert Carey, publiſhed by the earl of Orrery.

‡ *Quid determinatum*, ſaith Camden, *non comperi, certe ille non in inſulam admiſſi.*

* He was made chancellor, governor of the caſtles of Edinburgh and Stirling, provoſt of Edinborgh; and at length, lord-lieutenant of the kingdom. Spotſwood, p. 337.

was left for preſerving peace and friendſhip with his maſter. At the requeſt of Arran, ſhe appointed lord Hunſdon to hold a conference with him at Fowlden; in which Arran complained loudly of the exiled lords, and accuſed them of the moſt dangerous deſigns againſt the king. At the ſame time he declared his own friendſhip for the Engliſh queen, and gave the ſtrongeſt aſſurances, that nothing ſhould be undertaken to her prejudice, while the management of Scottiſh affairs remained in his hands †. Notwithſtanding theſe aſſurances, an hoſtile irruption was made, about a month after, by the Scottiſh borderers, into Redeſdale ‡; which the Engliſh ſoon after revenged, by ravaging Liddiſdale with fire and ſword.

James VI. K. of Scotland. 1581. Camd p. 386. Aug 24.

Theſe diſturbances did not put an end to a friendly correſpondence between the courts. For carrying on this, the maſter of Gray, a new favourite of the king of Scotland, was ſent ambaſſador from that king to the queen of England in October. He was commiſſioned to negociate proper methods for reſtraining diſorders on the marches; and alſo to ſolicit either the reſtitution of the Scottiſh fugitives, according to treaty; or that, in order to prevent their continual plottings with their friends at home, they ſhould be removed to a greater diſtance from the borders. The Engliſh queen readily conſented to what was requiſite for eſtabliſhing quiet on the frontiers; but inſtead of reſtoring the fugitives, ſhe alleged, that they were the king's moſt faithful friends, and exhorted him to admit them to his favour and a ſhare in his councils, as the beſt way of eſtabliſhing his own authority and the public peace of his kingdom. She ordered them, however, to retire from the neighbourhood of the borders, and to come to Norwich *. This was a commodious ſituation for concerting meaſures for effecting their return, both with the Engliſh miniſters and with the Scottiſh ambaſſador at the Engliſh court. For the maſter of Gray, and his ſucceſſor Sir Lewis Ballenden, had, in concert with others of the Scottiſh courtiers, entered into a deſign of expelling Arran, and reſtoring the exiled lords †.

Camd. p. 387.

Spotſwood. Godſcroft.

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† According to Melvill, Arran engaged to Hunſdon, to keep his maſter unmarried for three years; at the end of which, it was propoſed, that he ſhould take to wife a certain princeſs of the blood of England, who would be then of an age fit for marriage; upon which queen Elizabeth was to declare him heir to her kingdom. Melvill, p. 315.

‡ Camden aſcribes this irruption to the ſecret practices of the Spaniard, in order to hinder Elizabeth from aiding the ſtates of Holland.

* They went from Newcaſtle towards the ſouth, according to Calderwood, about the middle of February; "partly by reaſon of queen Elizabeth's direction, procured by the maſter of Gray, late "ambaſſador; partly becauſe they perceived, that, by lying near the border, they endangered their "friends." (Cald. p. 185.) That they removed at this time is alſo evident, from an original letter of James (in the Roxburgh Archives) to Sir Lewis Ballenden juſtice clerk, dated 20th February 1584-5. From this letter it appears, that Sir Lewis had ſet out for England a little before its date; and in the end of it, the king mentions his having heard that *a company of his rebels had come to Berwick, the principals being paſſed up the country*; expreſſing his hope, that the queen would take ſuch order with them as the treaties between the nations required.

† The chief commiſſion of Ballenden was to accuſe the baniſhed lords of being accomplices in a conſpiracy againſt the king's life; for which John Cunningham of Drumwhaſel, and Malcolm Douglas of Mains, had been executed at Edinburgh on the 10th of the preceding February. The queen of England appointed delegates to hear this charge, and the defence of the lords, which was made

Elizabeth, Q. of England. 1584.

The holy league, ſo celebrated in the hiſtory of thoſe times, formed for the maintenance of the hierarchy and tenets of the church of Rome, and the extirpation of thoſe condemned by that church as heretics, which had its beginning in France about ſeven years before, received as it were a new life, and began to produce its moſt conſpicuous effects, after the death of the duke of Anjou; which happened in the ſame year with the events laſt related.

June 10. Upon the death of Anjou, the king of Navarre, a proteſtant, became heir apparent to the crown of France; the proſpect of which ſucceſſion was ſo alarming to the catholics, that the leaguers of that religion, headed in France by the duke of Guiſe, and combined with the Pope and king of Spain, did engage in plots and enterpriſes, which, however repugnant to humanity, truth, and juſtice, were believed, by the bigots of that ſide, to be throughly ſanctified by the cauſe they were deſigned to ſerve. A ſhocking effect of this furious zeal was exhibited about this time, in the aſſaſſination of William prince of Orange, by Balthazar Gerard. The unhappy queen of Scots, irritated to an extreme degree by her continued ſufferings and diſappointments, and nearly connected in blood with the houſe of Guiſe, naturally entered into the ambitious views of that houſe; and hoped not only to regain her liberty, but to aſcend the throne of her hated rival, by the powerful united efforts of foreign and domeſtic catholics. But as her firm attachment to the Romiſh ſuperſtition, joined to her claim to the Engliſh throne, made all papiſts moſt earneſt to promote her intereſts; the ſame cauſes had an equally violent, but a

Camd. p. 384. quite contrary operation on proteſtants. The latter did all regard Elizabeth as the chief bulwark of their religion; and at this critical period, a plot being diſcovered for an invaſion of England, under the duke of Guiſe, an aſſociation for defence of the queen's perſon and authority was propoſed by Leiceſter, and with great zeal entered into by multitudes of all ranks throughout the kingdom *. In this aſſociation, they bound themſelves by ſolemn promiſes and ſubſcrip-

made by the maſter of Glammis. Their judges acquitted them. Mean time Ballenden made uſe of the opportunity to enter into concert with the lords, for effecting their return. (Spotiſwood. Godſcroft.) From an original letter of James, in the archives mentioned in the preceding note, written with his own hand to Ballenden, and dated April 13, 1585, it would ſeem, that he himſelf was privy to this concert. After expreſſing his approbation of Ballenden's ſervices, without explaining what they were, he exhorts him, "*to continue as he had begun, ſince he was met there with* "*als willing as he could wiſh, bath ane and ma.*" Who can be meant by theſe, but the lords who were in exile?

* The Engliſh parliament meeting in November, gave their ſanction to the aſſociation; and by a remarkable act, which did afterwards prove fatal to Mary, made proviſion for Elizabeth's ſafety and the peace of the kingdom. For theſe ends it was enacted, that if any invaſion or rebellion ſhould be made in any of Elizabeth's dominions, or any act attempted to the hurt of her perſon, by or for any perſon, pretending a title to the crown after her deceaſe, ſhe might give conſent to twenty-four perſons, either of her privy-council or lords of parliament, with ſome judges, to examine into and paſs ſentence upon ſuch offences; and after judgment given, it was to be publickly proclaimed, that the perſons found guilty ſhould be excluded all claim to the crown; and that all the queen's ſubjects might lawfully purſue ſuch perſons to death, with all their aiders and abettors. But if the queen's life was taken away, every ſuch perſon, by or for whom any ſuch act was executed, and their iſſues, being any way aſſenting or privy to the ſame, were for ever diſabled to claim the crown, and were in like manner to be purſued to death.

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ſubſcriptions, to proſecute to death all who ſhould attempt any thing againſt Elizabeth. Soon after, Mary was taken out of the cuſtody of the earl of Shrewſbury, and was committed to a more cloſe and rigorous impriſonment, under the charge of Sir Amias Pawlett and Sir Drue Drury, two dependents of Leiceſter. James VI. K. of Scotland. 1584.

Theſe ſeverities againſt Mary, made it the more neceſſary to court the friendſhip of her ſon. The Engliſh miniſters had diſcovered a ſecret correſpondence, carried on of late between that prince and his mother, in which ſhe had expreſſed her willingneſs, that he ſhould be aſſociated with her in the government. But however James's filial duty might have reconciled him to that ſcheme, his miniſters were, for obvious reaſons, equally averſe to it, as thoſe of Elizabeth. They were alſo very ready to accept of Engliſh money; which it was now thought prudent to diſpenſe among them with a more liberal hand than formerly. This had likewiſe an irreſiſtible charm with the young monarch; the patrimony of whoſe crown was almoſt annihilated by the rapacity and miſmanagement of thoſe who had adminiſtered public affairs, during his own minority, and that of his predeceſſors. The way being paved by ſuch efficacious preparatives, Sir Edward Wotton, a man of addreſs and experience, and, at the ſame time, a proper companion for the king in his hunting, and other amuſements, was ſent to Scotland to negociate a new treaty of *ſtricter friendſhip* between the crowns *. The profeſſed object of this new alliance, was to oppoſe the league of the catholic powers againſt the proteſtants; and, with the ſame view, Elizabeth did, at this time, enter into leagues with the proteſtant princes and ſtates on the continent. Strype, vol. iii. P. 304, 305. A. D. 1585. May.

Although the Engliſh court had entered into a concert with the Scottiſh exiles, and the ſecret rivals and enemies of Arran at home, to work the downfal of that hated and dangerous favourite; yet, until circumſtances became ripe for a change, they were careful to maintain the appearance of friendſhip with him. On the other hand, Arran was equally inſincere in his profeſſions of regard to England; and in his heart was much averſe to the concluſion of the league that Wotton propoſed. With a view to mar the progreſs of this treaty, it was believed, that Arran, and his intimate friend, Thomas Ker of Farni-

The ſame parliament made ſome very rigorous laws againſt Papiſts. The dread of theſe laws made Philip earl of Arundel, who had ſome time before embraced that religion, attempt to fly from the kingdom; but he was apprehended, and committed to the Tower. Henry Percy, earl of Northumberland, was alſo confined there, on account of a correſpondence he was diſcovered to have held with the lord Paget and his brother; both of whom were very obnoxious, and had, on the diſcovery of Throgmorton's conſpiracy, fled from the kingdom. Northumberland, impatient of his impriſonment, and, as he is ſaid to have declared, in order to balk Elizabeth of the forfeiture of his eſtate, ſhot himſelf in the Tower on the 21ſt of June 1585. Camden.

* The penſion that Wotton was inſtructed to offer the king, was 4000 *l. per ann.*; but before he made this offer, he informed the maſter of Gray of it; who told him, that the king would not be content, as his highneſs had been informed, that the ſum intended to be given was 5000 *l. per ann.* Strype, vol. iii. p. 302. Camden ſays, that the queen offered, by Wotton, to the king, *as her ſon*, the ſame annuity that had been aſſigned to herſelf by her father. Camd. p. 401. Spotſwood repreſents this penſion, as an equivalent for rents of the lands in England, which had been poſſeſſed by the king's grandmother, the counteſs of Lennox, and which James had often demanded, by his ambaſſadors, as due to him.

Elizabeth, Q. of England.

herſt, deviſed an outrage, which the Scots committed at a border meeting on the middle-marches; the circumſtances of which are particularly related by the accurate annaliſt of Elizabeth's reign. This convention being appointed for the ordinary buſineſs of ſuch aſſemblies, the wardens, Sir John Forſter and the above mentioned Ker, did, according to cuſtom, confirm by their oaths a mutual ſecurity; and the uſual proclamation was made, forbidding all perſons to give offence to each other, *by word, deed, or look* (for this was the borderers phraſe on theſe occaſions). After which peaceable beginning, a body of about three thouſand armed Scotchmen, unexpectedly came to the place, drawn up in battle-array, with a banner diſplayed and drums beating, while the number of Engliſhmen on the field did not exceed three hundred. The wardens however proceeded to hear complaints, but had not well begun, when, on occaſion of an Engliſhman being detected in a theft, a tumult aroſe, and the Scots, immediately letting fly a ſhower of bullets, ſlew Sir Francis Ruſſel, eldeſt ſon to the earl of Bedford, put the Engliſh to flight, and purſuing them four miles into Engliſh ground, took ſome of them priſoners. Although it was not manifeſtly proved, who was the author of this ſlaughter, the Engliſh did not heſitate to impute it to Arran and Farniherſt. Elizabeth inſiſted, that the murderers ſhould be delivered up to her, agreeably to the precedents of Henry VII. of England, who delivered to James IV. William Heron, and ſeven Engliſhmen, for the ſlaughter of Robert Ker of Ceſsford, committed on a march-day; and of the late regent Morton, who ſent Carmichael into England for the ſlaughter of Sir George Heron. The king, proteſting his own innocence, promiſed immediately to ſend into England Farniherſt and Arran alſo; if, by clear and lawful proofs, they ſhould be convicted of having intentionally violated the aſſurance, or committed murder. Fenwick, an Engliſhman, accuſed Farniherſt to his face of the crime; but Farniherſt by a poſitive denial overthrew the charge, as the other could not adduce any Scotchman for a witneſs. For in theſe trials of the borderers, by a peculiar law of their own, none but a Scotchman was admitted for a witneſs againſt a Scotchman, nor any but an Engliſhman againſt an Engliſhman. Yet to gratify in ſome degree the queen of England, Arran was ordered to leave the court, and confined firſt in St. Andrew's, and afterwards in his own houſe at Kinneil, as Farniherſt was in Aberdeen, where he died. Farniherſt had been one of the braveſt and moſt ſteady friends of the queen, and had ſuffered much in her cauſe.

1585. June 27.

However much the treaty with England was contrary to the inclination of Arran and the ſecret friends of the Scottiſh queen, the king appeared to be very hearty in embracing it; and in order to allay Elizabeth's reſentment, Arran found it prudent to concur in promoting it. A convention of eſtates was held at St. Andrew's, the place of Arran's confinement, about a month after the diſorder on the marches; at the opening of which, the king zealouſly recommended the propoſed treaty with England, and Arran with his friends joined in a decree approving it. This act expreſſed the ſenſe the convention entertained of the neceſſity of a league amongſt thoſe who profeſſed the true religion, in order to oppoſe the confederacy of its enemies, and in particular, that

Spotſw. p. 339. July 31.

that "the two crowns of Scotland and England, which nature, blood, "habitation, and the profeſſion of one religion, had joined, ſhould be in- "ſeparably united, by a more firm and ſtrait league than had been betwixt "any princes, their progenitors;" for which purpoſe they conſented that the king ſhould negociate ſuch a league, and appoint commiſſioners for that end; and what ſhould be concluded by them, the ſtates engaged to ratify in the next parliament; provided that this new league did not infringe any former alliances with the ancient friends of the kingdom; but this limitation they declared they meant not to extend to matters of religion; with regard to which, they conſented that the treaty ſhould be offenſive as well as defenſive. James VI. K. of Scotland. 1585.

But although this deed of James and his ſtates might ſeem ſufficient to give content to the Engliſh court, yet that court could have no confidence in the Scottiſh king, ſo long as his councils were directed by Arran. They did therefore perſiſt in the purpoſe of driving out this favourite, by ſending home the exiled lords ſupplied with ſome Engliſh money, and by preparing a party at the Scottiſh court to favour and aſſiſt their enterpriſe. In this latter part of the work, Wotton acquitted himſelf with dexterity and ſucceſs; but upon the approach of the lords to the borders, he thought it ſafeſt to abandon the Scottiſh court; which he did without taking leave, retiring with all the ſpeed he could to Berwick *. A few days after, the earls of Angus and Mar, and and the maſters of Glamis came to Kelſo, where they were received and joined by the earl of Bothwell †, and the laird of Ceſsford, and remained with them two or three days at Kelſo and Floors. Thither alſo repaired the lord Home, Sir George Home of Wedderburn ‡, and others of that kindred. Proceeding with their followers to Jedburgh, they there publiſhed their intention, which they explained in a long manifeſto, wherein, ſparing thoſe courtiers with whom they were in concert, they charged Arran, and his friend the colonel of the king's guard, with the moſt grievous abuſes of their power and truſt; ſuch as the perſecution of the king's ancient and faithful nobles, the oppreſſion of the church, and ſhewing favour to Papiſts, falſe and injurious conduct towards England, and correſponding with the ſworn enemies of that realm. They declared their purpoſe of delivering their ſovereign out of the hands of ſuch hated and dangerous counſellors; and ſummoned in the king's name, all his ſubjects to promote and aſſiſt their enterpriſe. As they advanced towards Stirling, they were joined by the lord Hamilton, and alſo by lord Maxwell, who had been created earl of Morton, ſoon after the death of the regent who bore that title. Arran, offended with Maxwell, for refuſing to comply with ſome of his arbitrary demands, had ſtirred up againſt him his neighbours, the Johnſtons; but Maxwell prevailing againſt them, did farther provoke Arran's rage. Maxwell's ſafety thus depending on Arran's downfal, he was prompted, though himſelf a Papiſt, to aſſiſt the proteſtant lords; and having been long in a ſtate of war, had in readineſs, and brought with him into the field, a much

Oct. 18. Spotſwood, Godſc. p. 403.

* Melvill relates, that Wotton had formed a plot for ſeizing the king, and carrying him by force into England; and that, upon the diſcovery of this plot, he fled in great fear. Melvill, p. 335.

† Bothwell was married to a ſiſter of the earl of Angus. Godſ.

‡ Wedderburn was a near kinſman of Angus. Arran had maltreated lord Home. Godſ.

Elizabeth, Q. of England. 1585.

greater number of good forces than any of the reſt. On their arrival at Stirling, they found their work extremely eaſy. Their ſecret friends about the king, had taken care that he ſhould be in no condition to reſiſt them; Arran eſcaped by flight, and after ſkulking for a while, lived privately among his friends in Kyle, ſtripped of all his honours. The king yielded to neceſſity, with the beſt grace he could. The lords, making profeſſions of the greateſt duty and reſpect, were admitted to his preſence, obtained his forgiveneſs, and, as is uſual in ſuch revolutions, had the great offices of the ſtate diſtributed amongſt them *. They had engaged to the king before he conſented to ſee them, to ſpare his former ſervants, and to abſtain from revenges of perſonal or family offences. They kept their promiſe, and even Stewart, the colonel of the guard, was ſuffered to retire unhurt.

Dec. 10. In a parliament held the following month at Linlithgow, the forfeitures that had been paſſed againſt all theſe lords were reverſed, and they were reſtored to their honours and eſtates. This eſtabliſhment of an adminiſtration in Scotland, on whom the queen of England could depend, was highly commodious to her, and enabled her, with the greater ſafety, to ſend over to Holland a conſiderable body of forces, under the command of Leiceſter, for the defence of the United Provinces, whom, by a late treaty, ſhe had taken openly under her protection. Her projected treaty with the king of Scotland was now alſo reſumed, with the greateſt hopes of ſucceſs; the parliament at Linlithgow, having given their aſſent to it, or rather ratified the aſſent, given by the convention of eſtates in July. The court of France, jealous of the alienation of ſo ancient and uſeful an ally, did what they could to oppoſe it; employing for that purpoſe, their ambaſſador Deſneval, and another dangerous agent, called Courſelles. To oppoſe their arts, and carry on the negociation, Randolph was ſent into Scotland, as a man of the greateſt experience in Scottiſh affairs; although diſagreeable to the king, on account of the troubles he had often been an inſtrument of exciting in his kingdom. The king would have had the annual penſion that was offered him, and the aſſurance of the queen's doing nothing, in prejudice of his ſucceſſion to the Engliſh throne, to be inſerted as articles in the public treaty; but Randolph was inſtructed to offer only private writings, obliging the queen to both theſe, and under the condition of the king's continuing ſteady in his friendſhip. After ſome delays, ariſing chiefly from Elizabeth's parſimony, and her accuſtomed caution in the matter of the ſucceſſion to her throne; James, from profeſſed motives of his zeal for religion, love of peace, and friendſhip for the queen, agreed to the conditions of the treaty, and ordered them to be communicated to the nobles of his kingdom, that they, by their ſubſcriptions, might witneſs their conſent to them. He alſo gave orders to deliver up the Kers, who were ſuſpected of the ſlaughter of Ruſſel; but they, the day before they were to have been ſent into England, made their eſcape.

Camd. p. 426.

A. D. 1586.

* William Ker of Ceſsford, one of their friends, was appointed warden and juſticiary of the middle-marches, in the following January.

Soon

James VI. K. of Scotland.

1586. July 5. Rym. vol. xv. p. 803.

Soon after, commiſſioners from the ſovereigns of each nation met at Berwick *, and put the finiſhing hand to this long agitated treaty of *ſtraiter friendſhip*; for ſo it was thought proper to call it, the title of *offenſive* being diſagreeable to the Scots. This treaty being prefaced by an account of the occaſion of it, namely, the combination amongſt Popiſh princes for extirpating the true religion; it was agreed, by the ſovereigns of England and Scotland, to give mutual aſſiſtance to each other, againſt all who ſhould attack them, on account of the religion eſtabliſhed in their ſeveral dominions; and for defending the ſame good cauſe, to endeavour to bring into their confederacy all proteſtant princes. In caſe of ſuch attacks, the league was declared to be not only defenſive but alſo offenſive; notwithſtanding former leagues of either, with any other power. Upon information given, by either prince to the other, of any hoſtile aggreſſion, the prince thus informed, was bound to give no aid of whatever kind to the aggreſſor, however connected with him by blood, affinity, friendſhip, or former treaties. In caſes of invaſion, mutual aids were ſtipulated, in the following manner. If England ſhould be invaded in parts remote from Scotland, the Scottiſh king ſhould, when required, ſend a body of forces, not exceeding two thouſand horſe, and five thouſand foot, into any part of England, at the expence of the queen; or, if Scotland ſhould be thus invaded, the queen of England ſhould ſend into any part of it, a body of forces, not exceeding ſix thouſand foot and three thouſand horſe, on the charges of the Scottiſh king. Again, if invaſion ſhould be made on the northern parts of England, within ſixty miles of the borders of Scotland, the Scottiſh king when required, ſhould with all expedition aſſemble the whole forces of his kingdom, and employ them againſt the queen's enemies for thirty days; or, if needful, for the whole time that the ſubjects are bound, by ancient uſage, to keep the field for defence of their own kingdom. In caſe of any invaſion or diſturbance in Ireland, the king of Scotland obliged himſelf to reſtrain the inhabitants of the Highlands and Iſles, from giving aid to the queen's enemies; and to proſecute as rebels and traitors, any of his ſubjects, who ſhould henceforth carry war into England. It was alſo agreed, that no protection ſhould be given in either kingdom, to rebels and traitors flying from the other; but that, agreeably to former treaties, they ſhould be delivered up to their own ſovereign, or at leaſt expelled from the dominions of the other; and that ſatisfaction ſhould be made for the injuries done by theſe rebels, while entertained in the neighbour-country. It was farther agreed, that for the redreſs of wrongs, and deciſion of diſputes, which had happened on the borders from the time the king took the government into his own hands, and four years preceding; commiſſioners ſhould be nominated, within

* The Engliſh commiſſioners were, Edward earl of Rutland, William lord Eure, and Thomas Randolph. The Scottiſh, Francis earl of Bothwell, Robert lord Boyd, and Sir James Home of Coldenknows. The commiſſion of the Engliſh delegates, is dated at Greenwich June 4. That of the Scotch, at Falkirk June 19.

Randolph, in a letter dated 25th of July 1585, to Mr. Archibald Douglas, then a refugee at the Engliſh court, expreſſes his earneſt deſire, to be *at the confirmation of that which he had long travailed for, and hoped ſhould now take effect, in deſpite of the devil and all malicious enemies.* Murdin, p. 544.

Elizabeth, Q. of England. 1586.

fix months after ſigning this treaty, to meet at a proper place on the frontiers. Neither of the two princes was to enter into a league with any other prince or ſtate, without the privity and conſent of the other. Each of them engaged to confirm, when required, this treaty by oaths, ſeals, and ſolemn writings. Former treaties were declared to remain in their full vigour. Finally, the king of Scotland, when he ſhould arrive to twenty-five years of age, obliged himſelf to confirm this treaty, with the conſent of the ſtates of his kingdom; as, on the other hand, Elizabeth engaged to procure to it, the ſanction of her parliaments in England and Ireland.

Rym. ib. p. 806, 807.

The commiſſioners employed in concluding this treaty, had alſo powers to treat of all kinds of wrongs and exceſſes, that by ancient cuſtom and former treaties fell under the cogniſance of the wardens of the marches; and, agreeably to law, equity, and the circumſtances of the caſe, to give ſuch determinations as might conduce moſt to the maintenance of friendſhip, and the obſervation of the league, now concluded between the ſovereigns. In fulfilment of this part of their charge, they ſpent ſome days in treating concerning the redreſs of paſt attempts *, and the beſt methods of preventing and managing ſuch diſorders for the future. Soon after, the lieutenancy of the marches on the ſide of Scotland, was entruſted to the earl of Angus †; and in the month of September, a convention of eſtates held at Edinburgh, impoſed a tax of 15,000 l. for raiſing a body of horſe and foot, to attend the lieutenant during the winter, for the ſuppreſſion of thieves and marauders.

Moyſes, p. 109, 110, 111.

A few weeks after the concluſion of the treaty between Elizabeth and James, the conſpiracy of Babington and his accomplices againſt Elizabeth's life, being brought to light, ſoon brought on the unhappy fate of the queen of Scots; Babington confeſſed he had imparted his deſign to Mary, and that ſhe had by letters expreſſed to him her approbation of it. Theſe letters, by the art of Walſingham, aſſiduouſly employed for the preſervation of his his miſtreſs, were intercepted; and were by Mary's ſecretaries, Nau and Curle, ſworn to be the genuine dictates of their miſtreſs. After the band of conſpirators had undergone their deſerved puniſhment, it was reſolved to proceed againſt Mary, in the method pointed out by the act of the laſt parliament. Commiſſioners were ſent to the caſtle of Fotheringay, before whom ſhe appeared with reluctance, but with the greateſt dignity and firmneſs, aſſerting her royal prerogative, and at the ſame time her innocence with regard to what was laid to her charge. The commiſſioners, however, upon the evidence laid before them found her guilty, and paſſed ſentence againſt her, as having been privy to the deſigns of Babington and his accomplices, againſt the life of Elizabeth. But, on the ſame day on which this ſentence was paſſed, a declaration was publiſhed by the commiſſioners and judges of England, that the ſentence againſt Mary did not at all derogate from the title or honour of

* Moyſes ſays, that the commiſſioners met firſt at Berwick on the 27th of June.

† Angus, one of the moſt worthy men of that time, choſe this lieutenancy, preferably to the office of chancellor; accounting himſelf much better qualified for the former than the latter. He uſed to ſay, that he had as much pleaſure in hunting out a *thief*, as others had in hunting a *hare*. Godſc. 430.

James

James king of Scots; but that his place, degree, and right, remained the ſame, as if the ſentence had never been pronounced. The Engliſh parliament meeting a few days after, gave their ſanction to the proceedings of the commiſſioners, and earneſtly beſought the queen, to order the execution of their ſentence, without delay. James VI. K. of Scotland. 1586.

The king of Scotland appeared to be greatly diſtreſſed and provoked with the proceedings in England, againſt his mother. He firſt ſent William Keith, and ſoon after, the maſter of Gray and Sir Robert Melvill, to remonſtrate againſt them, in the ſtrongeſt terms, and, at the ſame time, to offer whatever ſecurity was in his power, that ſhe ſhould not henceforth, by her plots or enterpriſes, bring any danger to the perſon or throne of Elizabeth. This vehemency of James, which was no more than became a ſon, was the more eaſily borne and the leſs regarded by Elizabeth and her miniſters, from their knowing that many of his nobles and courtiers, almoſt all his clergy, the greateſt part of his ſubjects, and even ſome of the agents he employed in his mother's cauſe at the Engliſh court *, heartily deſired that the ſentence againſt her ſhould be executed. A. D. 1587. The king being informed, that no regard was paid to any of his propoſals, or to the menaces or entreaties that accompanied them, recalled his ambaſſadors. And on the day after their return to the Scottiſh court, the helpleſs victim met her hard fate in the hall of the caſtle of Fotheringay, with all the dignity and decency of behaviour that became the elevation of her rank and ſpirit. Feb. 8.

The firſt intelligence James received of his mother's death, was by an expreſs to his ſecretary, from William Ker of Ceſsford, warden of the middle marches, whoſe information concerning it was tranſmitted from Sir John Forſter warden of the oppoſite march in England. But the king affecting to think it incredible, and no other advertiſement arriving, went two days after, to hunt at Calder, a few miles to the weſt of Edinburgh, and remained there all the night. While there, he was informed that Sir Robert Carey, the youngeſt of lord Hunſdon's ſons, was on his way to him as ambaſſador from the court of England, to apologiſe for his mother's execution, and had come as far as Berwick. Carey had accompanied ſecretary Walſingham in his embaſſy to Scotland, and during his ſhort ſtay there, the king had grown very fond of him. This circumſtance, together with the unwillingneſs of almoſt every body in her court to undertake ſo diſagreeable an office, determined the queen to entruſt it to Carey. The king of Scotland, immediately on hearing of his arrival at Berwick, ſent a meſſenger to let him know, that his people's reſentment of the unworthy treatment of his mother was ſo violent, that it was not in his power to warrant the ambaſſador's life, if he ſhould enter his kingdom. Inſtead therefore of ſending him a ſafe-conduct, he propoſed to ſend two of his council to the bound-road; in order to receive his letters, or what other meſſage he Moyſes, p. 117. Spotſw. p. 357. &c. Carey's Mem. P. 49, &c. Feb. 15. Feb. 17.

* Such were, Mr. Archibald Douglas, (who being acquitted of his known guilt of king Henry's murder by the intereſt of the maſter of Gray, was appointed ambaſſador at the Engliſh court;) and the maſter of Gray himſelf. See Gray's Letter to Archibald Douglas. Murdin, p. 568.

Elizabeth, Q. of England.

1587. March 14.

was charged with *. Carey communicated this propoſal to Elizabeth, and was directed to accept of it; accordingly Sir James Holme of Coldenknows, captain of Edinburgh-caſtle, and Sir Robert Melvill under-treaſurer, met with Carey, in the kirk of Fowldean, the company on each ſide conſiſting of twenty-four perſons. Carey there delivered a letter from Elizabeth written with her own hand; wherein, profeſſing herſelf to be far remote from the meanneſs and cowardice of diſſimulation, ſhe declared her extreme ſorrow for what had happened, proteſted that it was moſt contrary to her mind, expreſſed the higheſt friendſhip for the king, and referred him for the particulars, which ſhe herſelf could not bear the pain of writing, to the information of Carey. The ſtory told by Carey was, that Daviſon, her ſecretary, and her counſellors, had, contrary to her intention and expreſs inſtructions, made uſe of a warrant which ſhe had indeed ſubſcribed for the execution of Mary; but which ſhe had reſolved ſhould not be made uſe of, unleſs in circumſtances of the moſt extreme danger and neceſſity. Carey farther aſſured James's counſellors, that Daviſon was taken into cuſtody, and would not eſcape the effects of the queen's diſpleaſure.

Spotſw. p. 357, 358. Camd. ii. 496.

Carey, p. 173.

The profeſſions which Elizabeth made, on this occaſion, to the Scottiſh king, were the ſame which ſhe made to all the world, and which ſhe ſupported for ſome time, by other parts of her behaviour. She ſhed abundance of tears, put on mourning, would not ſee her counſellors, who had joined in giving orders for executing her own warrant, and actually commanded Daviſon to be proſecuted in the ſtar-chamber, where he was fined 10,000 l. and condemned to ſuffer impriſonment, during the queen's pleaſure. The truth was, that Elizabeth wiſhed for nothing more than the death of the Scottiſh queen, but ſhe earneſtly ſought to avoid the odium of its being inflicted by her command.

Daviſon knew perfectly what ſhe deſired, as did the other counſellors, who agreed to ſhare the blame with him for diſpatching the warrant, without having received the queen's laſt orders. But Daviſon, an honeſt and able man, though a ſtranger to the arts of a court, was made the ſacrifice. The other counſellors vindicated themſelves, by the engagement the aſſociation had brought them under, to purſue to death all the queen's enemies. The proſecutions the queen had ordered againſt them, were ſoon dropt, and in the end of Daviſon's trial, public acknowledgments were made, in the queen's name, of their affection and zeal for the defence of her perſon and the ſafety of the church and ſtate.

The queen's letter and information, tranſmitted by Carey, were far from ſatisfying James, who for a conſiderable time complained and threatened aloud. But the Engliſh miniſters exerted all their abilities, and uſed all their influence with their friends at the Scottiſh court, to diſſuade him from proceeding to extreme meaſures, in which his ſtates engaged to ſupport him, and to which he was ſtrongly excited by the agents of the catholic powers. With this view

* Moyſes ſays, that Carey, after being refuſed a paſs-port, ſent captain Carvell from Berwick, to make his propoſal. But it would ſeem, that Carey ſhould be credited, in narrating what paſſed, between the king and himſelf. Yet, like Melvill, writing from memory, long after the things happened, he is evidently guilty of abundance of inaccuracies.

Walſingham

Walſingham wrote a long letter to ſecretary Maitland, full of prudent admonitions; repreſenting the great ſuperiority of the power of England above that of Scotland, the uncertainty and unfaithfulneſs of foreign aids, the hazard to the proteſtant religion in the king's connecting himſelf with catholics, and the great danger to which he expoſed his ſucceſſion to the crown of England, by breaking a league ſo lately contracted, and entering into war with that nation. Lord Hunſdon governor of Berwick, was afterwards employed in proſecuting this work of a reconciliation. This nobleman was leſs obnoxious to the king than any of the Engliſh grandees, as having been leaſt concerned in the proceedings againſt his mother. Having obtained leave to come to the Scottiſh court, ſoon after the breaking up of a parliament, which James had held, upon his completing the twenty-firſt year of his age, he ſtrove to make the king ſenſible of the great hazard into which he would bring his ſucceſſion to the crown of England, which was otherwiſe unqueſtionable, if he ſhould perſiſt in his reſentment of a thing irremediable, and enter into open war with Elizabeth. And an opinion having been induſtriouſly inſtilled into James's mind, that his title to ſucceed to the Engliſh crown would be prejudged by the condemnation and execution of his mother, Hunſdon undertook to obtain a declaration, ſigned by all the Engliſh judges, that his title was nowiſe hurt by theſe proceedings. Such a declaration was accordingly tranſmitted to him *; and alſo, to prove that the execution of Mary was contrary to Elizabeth's mind, and that her wrath againſt her ſecretary was not a mere pretence, there was ſent at the ſame time, the ſentence againſt Daviſon, atteſted by the ſubſcriptions of the delegates, who tried his offence, and by the great ſeal of England appended to it. James had parted with Hunſdon on doubtful terms †; but on receiving the above mentioned papers, ſhewed himſelf ſo far ſatisfied as to emit proclamations, requiring the inhabitants of the borders to ceaſe from the incurſions they had begun to make into England.

James VI. K. of Scotland. 1587. Spotiſw. p. 359. &c. March 4. Camd. p. 504. &c.

In the ſpring of the following year, the king, in order to oblige his borderers to do juſtice to their neighbours in England, made an expedition to Jedburgh, carrying with him a ſufficient body of forces. Pledges had been given, by the king's command, that the Engliſh ſhould be ſatisfied for the damages his ſubjects had been convicted of doing them ‡. In order to relieve theſe pledges,

A. D. 1588. April 19. Moyſ. p. 135.

* From a paper in Murdin, dated April 26, 1589, it appears, that the queen had before that time teſtified under her hand and ſeal to the king, that nothing was done in trying and judging his mother, to hurt any right that he might claim as heir to her. And for his better ſatisfaction, it was then offered, that he might have an inſtrument in writing to the ſame effect, ſubſcribed by the commiſſioners of her council, and the judges of the realm. Murd. p. 635.

† Hunſdon writes a letter from Berwick to the queen, dated 24th of October, in which he tells her, that "if ſhe looked for any amity or kind dealing at the king of Scotland's hands, ſhe would "find herſelf greatly deceived; for he had ſuch bad company about him, and ſo maliciouſly bent "againſt her highneſs, that if he had any good inclination towards her, they would not ſuffer him "to remain in it two days together." Murdin, p. 591.

This ſhort letter confirms what Camden ſays of Hunſdon's choleric temper. *Vir animo magno, ſed bilioſo.*

‡ A meeting of commiſſioners of both kingdoms was held this year at Berwick, in February; as appears from a paper in Rymer, vol. xvi. p. 304. entitled, A relation of Scottiſh affairs, to be given by George Nicholſon to the lord treaſurer.

he

Elizabeth, Q. of England. 1588.

he obliged ſeveral of the Tiviotdale gentlemen, who were the authors of theſe damages, and men famous for ſuch exploits, to enter themſelves priſoners into England*; as they were not able to make reparation for the injuries they had done. This being probably the firſt time that James had viſited his frontiers, he made a progreſs eaſtward through the Mers, paſſing from Halydon to Langton, and thence to the neighbourhood of Berwick. Moved by a like curioſity to that of his mother, when in thoſe parts, he approached ſo nigh the town as to obtain a diſtinct view of it. The captains of the garriſon came forth to pay their reſpects to him, and ſome of them converſed with him for a conſiderable time; and in honour of the royal viſitant, a diſcharge was made of all the artillery of the place. In the following month, the king made an expedition of greater conſequence, into the country near the weſtern march, againſt the lord Maxwell. This lord having been freed from an impriſonment he had incurred by his zeal for Popery, on the condition of his leaving the kingdom, had gone to the court of Spain; and being there made acquainted with the project the Spaniards had formed of invading England, came home, in order to give what aid he was able to that enterpriſe. But the king marching with great expedition againſt him, ſoon diſſipated his forces, and reduced his places of ſtrength; Maxwell himſelf ſeeking to eſcape by ſea, was purſued and taken priſoner.

Spotſwood. Moyſes.

Spotſwood.

The behaviour of James, in the ſequel of this memorable year, was anſwerable to theſe beginnings. On receiving intelligence of the invincible Armada ſailing for England, he aſſembled his eſtates, laid before them the plain reaſons for regarding the king of Spain, as the common adverſary of England and Scotland, and the neceſſity of ſacrificing, in ſo critical a ſituation, all thoughts of reſentment, to the defence of their religion and country. Whatever ſecret enemies England might have in this aſſembly, none of them were ſo fooliſh as to expreſs their ſentiments, but the earl of Bothwell, who openly propoſed to embrace the favourable occaſion, that was now offered, of invading England, and revenging the death of queen Mary. So earneſt was he for this meaſure, that he had levied ſoldiers to ſerve under him in the expedition; but the king admoniſhed him to be quiet, and to take care of the ſhipping, the charge of which belonged to him as admiral. It was reſolved in this aſſembly, that all the fighting men of the kingdom ſhould be muſtered, the ports watched, beacons erected for giving advertiſement of the appearance of the enemy, and noblemen appointed in different parts of the kingdom, to whoſe ſtandards, when neceſſary, the fighting men ſhould repair. The king did alſo, by a letter under his own hand to the queen of England, make offer of his perſon and forces, to be employed in whatever way might beſt ſerve for the defence of her country †. This behaviour was ſo grateful to Elizabeth, that after the

Rym. vol. xvi. p. 18.

Spaniſh

* Such were, the laird of Hunthill's ſons (Rutherford's), the laird of Greenhead's (Korbet), Overton (perhaps Ormiſton), &c. Moyſ. ib.

† This offer the king appears to have made by the advice of ſecretary Walſingham, communicated to the king by Archibald Douglas, his ambaſſador at the court of England. Murdin, p. 631. (The king's letter to the queen is dated 4th of Auguſt, Walſingham's to Douglas 27th of July.)

Spaniſh navy had left her coaſts, ſhe ſent Sir Robert Sidney to the Scottiſh court, to thank the king for the ſolid proofs he had given of his friendſhip; and to offer him her aid, if the Spaniards ſhould attempt to land in Scotland. James VI. K. of Scotland. 1588.

The circumſtances and events of this unwieldy expedition, the profeſſed object of which was the conqueſt of England, are ſo amply explained by all who write the hiſtory of thoſe times, and ſo little connected with our ſubject, as not to require any detail here. Where every thing dear and ſacred was expoſed to ſo much danger, it was neceſſary to know the whole force of the nation, and have it in readineſs, to be exerted againſt the invaders. Accordingly, muſters were made, and exact accounts taken, of all the fighting men, with their armour, horſes, and other ſtores. But the forces of the border counties of Northumberland, Cumberland, and Weſtmoreland, together with thoſe of Durham and Yorkſhire, were not put into the account with thoſe of the other counties, being reſerved for defence of the northern frontier in caſe of any attack from Scotland, or to oppoſe any deſcent that might be made on the northern coaſts. Murd n, p 534, &c.

The great deliverance wrought for the iſland in the total failure of the enterpriſe of the Spaniards, and the dreadful loſs they ſuſtained, was a grievous diſappointment to the bigotted catholics both in England and Scotland. In Scotland, the earl of Huntley, the lord Maxwell, and lord Claude Hamilton, were of that number. To theſe were lately added, by the addreſs of the Jeſuits, Hay and Crichton, two new converts, the earls of Errol and Crawford. The duke of Parma ſent over, in the end of the Armada year, 10,000 crowns, to be diſtributed amongſt the friends of Spain and the catholic cauſe, for ſtrengthening their intereſt, and reviving their drooping ſpirits. Upon this encouragement, the lords renewed their correſpondence with the king of Spain and the duke of Parma, inciting them to a new invaſion, and requeſting part of the army employed in it to be ſent to Scotland, together with a ſufficient ſum, for raiſing a body of forces in that kingdom, to join it. In the mean time, to increaſe their ſtrength and influence, they endeavoured to put in practice the method that had been ſo often employed, of getting the king's perſon in their power; into which plot they drew ſome others who were diſſatisfied with the king's miniſters. Among theſe was the earl of Bothwell, who bore a mortal ſpite to chancellor Maitland, hated the queen of England and all who were in her intereſt, and in the matter of religion was ſo indifferent, that he aſſured Bruce, the duke of Parma's agent, that if the catholics ſhould prevail, he would preſently be one of theirs, on condition of their ſecuring to him the poſſeſſion of his two abbies of Kelſo and Coldingham. Calder. p. 237. Spotſw. p. 372, &c. Calder. p. 238.

July.) The king's good behaviour at this criſis was perhaps not a little owing to the offers made to him by Aſhby, the Engliſh ambaſſador, of the title of a dukedom in England, an annual penſion of 5,000 l. and a company of guards, to be paid by the Engliſh queen, with ſome other articles. But theſe offers were never made good, being diſavowed by the court of England, as matters of Aſhby's private conceit, which he had no warrant either from his miſtreſs or any of her counſellors to make. Camd. p. 533. Murdin, p. 635.

Elizabeth, Q. of England.

A. D. 1589. Spotſwood.

The ſcheme of ſeizing the king's perſon was diſappointed by the vigilance of the chancellor, in whoſe houſe, within the city of Edinburgh, the king lodged. The plotting lords were farther diſconcerted, by their letters to the king of Spain and duke of Parma being intercepted in England, and ſent thence to the king, accompanied with exhortations from Elizabeth, to proceed with due ſeverity againſt ſuch guilty and dangerous offenders. The king, either not thinking their guilt ſufficiently proved, or being willing to gain them by lenity, accepted of their aſſurances of future good behaviour; and upon receiving this ſecurity, ſet at liberty ſome of them whom he had in his power; but at the ſame time iſſuing a proclamation againſt Jeſuits and their reſetters, and charging by name the chief of the former to leave the kingdom on pain of death. Theſe incendiaries, inſtead of obeying, engaged Huntley, Crawford, and Errol, to break forth into open rebellion in the north. The king, much incenſed at theſe inſurgents, for their ingratitude and breach of faith, marched from Edinburgh againſt them, in perſon, with great expedition. Though his

April 9. forces were much inferior, they diſperſed at his approach, and ſoon after found themſelves obliged to yield to his mercy. Bothwell, in the beginning of this diſturbance, had raiſed three or four hundred borderers, and led them to Dalkeith; but being intimidated by the reſolution which the king ſhewed, diſmiſſed them, and, with a ſmall number of attendants, made his way to his

May 24. friends in the north. This earl, together with Huntley and Crawford, underwent a trial at Edinburgh, and being found guilty, they were impriſoned in different caſtles. In the month following, the king made another journey to the north, where ſome of the late offenders were puniſhed by fines, and others, ſupplicating for mercy, were pardoned. About this time, ambaſſadors were ſent to Denmark, to ſolemnize by proxy the king's marriage, and to bring over the queen. Her arrival was expected about the end of ſummer; and that nothing might be then ſeen among his ſubjects but tranquillity and joy, the king liberated from their impriſonment the lords concerned in the late rebellion, as alſo the lord Maxwell, who had been in cuſtody from the time he was ſeized in the preceding year.

The queen, in her voyage towards Scotland, being driven back by a violent tempeſt to the coaſt of Norway, and the ſeaſon being too far advanced for her venturing again to ſea; the king, wearied out with delays and diſappointments, reſolved to ſail to Norway in perſon, in order to conſummate his marriage, and to convey his conſort home. The fear of his purpoſe being defeated by refractory and intriguing nobles and courtiers, made him keep it a profound ſecret from all about him, except the chancellor; but he left behind him in writing an account of the motives that determined him to it, and alſo his

Oct. 22. Spotſwood. orders for the government of the kingdom in his abſence. By theſe orders, his council was appointed to reſide at Edinburgh, for the adminiſtration of public affairs. The young duke of Lennox was appointed preſident of this council, and the earl of Bothwell his aſſiſtant, and ſecond in rank. The lord Hamilton was appointed lord lieutenant of the borders, his power to extend over the three wardenries, and ſheriffdom of Lanerk; his reſidence to be at Dumfries

Dumfries or Jedburgh, and aid to be given him as need ſhould require, by the lords Boyd, Herries, Maxwell, Home, Ceſsford, and other chief barons, within the marches. The king earneſtly recommended peace and obedience to his ſubjects of all ranks, eſpecially to thoſe who had lately experienced his mercy. James VI. K. of Scotland. 1589.

James in theſe writings gave hopes of a ſpeedy return; but in little more than three weeks after he ſailed, ſeveral of the companions of his voyage returned to Scotland, bearing intelligence, that he was to ſpend the winter in Denmark, with his young queen. Mean time his ſubjects ſhewed a deference to the written orders and meſſages of their abſent ſovereign, far exceeding what they ever paid to his authority while preſent. The lord Hamilton, with the other members of the council, ſoon after the king left them, wrote to the queen of England, informing her of the ſtrict orders the king had given for maintaining peace on the borders. They begged her concurrence in this work, by ſending proper inſtructions to her wardens, and particularly by directing them to hold the accuſtomed meetings for the redreſs of recent wrongs; that the courſe of juſtice might not be interrupted or delayed, on account of difficulties in the redreſs of ſome paſt injuries, which redreſs could ſcarce be effected without the appointment of extraordinary commiſſioners from each kingdom. Theſe friendly propoſals were very agreeable to Elizabeth, who, about the middle of December, ſent Mr. Robert Bowes, the treaſurer of Berwick, to inform the council of dangerous practices that ſhe heard were ſtill carrying on in Scotland, by Jeſuits, and of ſecret aſſemblies and plots of certain nobles, over whom they had the aſcendant, for promoting the intereſts of Popery, and the ambitious views of the court of Spain. She deſired their timely attention to check theſe miſchiefs, and offered in caſe of need, to ſend them aid either of men or money. The council thanked her for her care of their maſter's kingdom during his abſence, informed her of the entire conformity between his orders and her advices, with regard to the matter in queſtion, and promiſed their vigilance to diſcover ſuch attempts, and their utmoſt vigour to repreſs them, as ſoon as they were aſcertained of their reality *.

Nov. 6. Rym. vol. xvi. p. 28. 30. Moyſ. p. 165. Murd. p. 641.

Dec. 17.

Elizabeth's principal object at this time was the ſupport of Henry IV. of France, amidſt the dangers to which the oppoſition of the leaguers reduced him in the beginning of his reign. The heavy blow that the cauſe of theſe bigots received in the preceding year, by the defeat of the Spaniſh Armada, and the aſſaſſination of the duke of Guiſe, ſerved only to inflame the zeal of its votaries. On the firſt of Auguſt of this year, the fall of Guiſe was revenged by the murdering knife of the friar Jaques Clement, which gave Henry III. his mortal wound. The ſtrength and rage of the leaguers had forced this monarch to a reconciliation with the king of Navarre; and when dying, he declared him the heir of his kingdom. But this prince being, on account of his religion, deſerted by many catholics, and the duke de Mayenne, who, ſince

* A Spaniſh bark ſome time after arrived on the Scottiſh coaſt, by which ſome intelligence was obtained, which was immediately communicated to the Engliſh ambaſſador, to be tranſmitted to his miſtreſs. Rymer, vol. xvi. p. 36.

Elizabeth, Q. of England. 1589. his brother Guiſe's death, was head of the leaguers, overwhelming with ſuperior force all Henry's courage and great talents; Elizabeth, by a ſmall, but timely, ſupply of men and money, reſtored his affairs, and enabled him for a while to regain the aſcendant over his adverſaries.

A. D. 1590. In the beginning of the following May, James returned in ſafety with his queen, to the great joy of his ſubjects, to whom the king, on his part, expreſſed great thankfulneſs for their good behaviour during his abſence. The queen was crowned ſoon after her arrival; and on that occaſion the chancellor, Sir John Maitland, who had attended the king all the time of his abſence, was created lord Thirlſtane; the title being taken from a place in the Mers that had been long poſſeſſed by his anceſtors. Queen Elizabeth ſent the earl of Worceſter, as her ambaſſador, to congratulate the king upon his marriage and ſafe return. He was alſo charged to inform James, that he was elected a knight of the order of the garter, an honour that was at the ſame time conferred on the French king. There was likewiſe a preſent of clothes and jewels from Elizabeth, brought by Worceſter, to the Scottiſh queen. With theſe marks of reſpect were joined friendly admonitions, to be upon his guard againſt the Popiſh faction among his ſubjects, whoſe plots were ſo full of danger to both realms.

The year of James's return did not come to an end without new diſturbances. In the north, a quarrel aroſe between the earls of Huntley and Murray, which, though quaſhed in the beginning, gave afterwards birth to many miſchiefs. A cruel murder was alſo committed at Edinburgh, by Sir Robert Ker, heir apparent of Ceſsford, upon William Ker of Ancram. The latter was deſcended of the family of Farniherſt, between which and that of Ceſsford there had been an old emulation for the offices of the warden of the middle marches and provoſt of Jedburgh. The heir of Farniherſt being then a minor, Ker of Ancram was active in maintaining the intereſt and reputation of that houſe, for which he was well qualified by his wiſdom, courage, and ſkill in the laws and cuſtoms of the borders. He had lately, in a plea brought from the warden's court to the king's council, clearly convicted one of Ceſsford's followers of having committed theft in England. This, added to former jealouſies, did ſo incenſe lady Ceſsford, that ſhe ſtirred up her ſon, who was very young, to revenge the affront offered to his family, in the barbarous way that was then reputed honourable. The king was much provoked at the deed, and threatened exemplary puniſhment; but the offender, after having retired for ſome months, obtained pardon, upon making ſatisfaction to Ker of Ancram's children. Such pardons the king was too ready to grant; and this was ſaid to be obtained by the interceſſion of the chancellor, who afterwards gave to Sir Robert in marriage his niece, a daughter of Lethington, and brought him into great favour with the king.

Spotſ. p. 382, 383.

A. D. 1591. In the following winter, the king, with his council, judges, and clergy, were very ſeriouſly and diligently employed in the examination and trial of witches and ſorcerers. In the courſe of thoſe inquiries it was diſcovered, that the earl of Bothwell had been ſeeking the help of ſome of theſe miſerable creatures to ſhorten the king's life, while he was abſent in Denmark. Bothwell was

thereupon committed to the caſtle of Edinburgh, in order to undergo trial for this treaſon; but after remaining about two months in cuſtody, he broke forth from it, and made his eſcape. This flying from juſtice determined the king to proclaim him a traitor, and to declare him forfeited, by virtue of the ſentence that was paſſed againſt him two years before, which had not been remitted, but the execution of it only ſuperſeded. All the king's ſubjects were forbidden to entertain or aid him, under the higheſt penalties; and all the fighting men of the Lothians, Stirling-ſhire, and of the ſhires of Berwick, Roxburgh, Selkirk, and Peebles, were required to repair to the king at Edinburgh, with ſufficient arms, and proviſions for fifteen days, in order to repreſs Bothwell's attempts, and to maintain the quiet of the country.

James VI. K. of Scotland. 1591. June 22. Rym. vol. xvi. p. 100.

The king, inſtead of conducting theſe forces againſt Bothwell, went to Perth, where he was preſent at a public entry which his queen made into that place; and ſpent ſome time after at Falkland. This remiſſneſs emboldened Bothwell to come with a ſmall troop of horſemen to the principal gate of Edinburgh, and there to inſult the chancellor, who reſided in that city. Bothwell, abandoned and diſtracted as he was, had the favour of ſeveral nobles, who wiſhed the fall of the chancellor, and a revolution at court *. Among theſe, the lord Home ſhewed his inclination moſt openly; for, being warden of the eaſt-march, inſtead of expelling Bothwell, he aſſociated with him, and gave him protection and aid. The king returning ſpeedily to Edinburgh, lord Home was ſummoned to attend the council without delay, that he might concur in concerting proper methods for ſuppreſſing the rebel within his bounds, under the penalty of being himſelf proclaimed a rebel, and forfeited. Home refuſing to obey, a proclamation was iſſued, requiring the fighting-men of the neighbouring counties to repair to the king at Edinburgh, to accompany him in an expedition he purpoſed to make in perſon againſt thoſe rebellious lords, and for compoſing the diſorders to which they had excited the banditti of the marches. Moſt of the conſiderable barons and gentlemen nigh the eaſtern march paid a ready obedience to this proclamation; and being at Edinburgh on the day appointed, ſubſcribed a bond †, in which they promiſed faithfully to ſerve the king againſt Bothwell and Home, and all who aided and abetted them in their rebellion; and for this purpoſe to lay aſide the particular feuds and quarrels amongſt themſelves. It is probable that the loyalty of the gentlemen above mentioned, and the impriſoning of ſome of the nobles who were in concert with Bothwell and Home, determined theſe latter to lay

Moyſ. p. 177, 178, 179.

July 26.

Rym. vol. xvi. p. 107, 108, 110.

* Theſe, according to Moyſes, were, the earl Marſhal, the earls of Morton and Errol, the maſter of Glamis, and others, who were all at that time at Edinburgh.

† The ſubſcribers of this bond, in the copy printed by Rymer, are, Ceſsford, Minto, Hundley, Wat of Bedroul, Jedburgh, Harlwood, Wedderburn, Huttonhall, Alexander Home of Northberwick, Mayus Ayton (Ita) younger, James Bronfield, for the ſirname of Bronfields, John Readpithe, Patrick Dixon, Blackader younger, Eaſt Neſbit, Innerwick, Swinton, Congilton, Smeton, Baylie (probably Billy), Renton, Prandergueſt, Andrew Ker of Fowſide, Saltcoats, Hermiſton, with ſundry others, whoſe names, I ſuppoſe, are in the original.

They engage, "not to ſhrink from his majeſty's ſervice for any cauſe, as they ſhall anſwer to "almighty God and his majeſty, upon their faith, honour, and allegiance, and under the pain "every one of them of 1000 merks Scots, to be paid to his highneſs."

down

Elizabeth, Q. of England. 1591.

down their arms. Bothwell fled to England. Lord Home paſſed over to Flanders; but ſoon after, upon making his ſubmiſſion, was allowed to return and pardoned ‡.

The king of Scotland's negligent diſſipated temper, his extravagant paſſion for favourites and hunting, the many worthleſs people about his court, the continual factions among his fierce and numerous nobility, his extreme poverty *, which was much increaſed ſince his marriage, and rendered him unable to pay a body of guards for defending his perſon; all theſe circumſtances expoſed him continually to inſults and ſurpriſes. Bothwell, lurking in the neighbourhood of the borders, and ſtill in correſpondence with ſome in the palace, made a new attempt to ſeize the king's perſon, in the middle of the

Dec. 27. Spotſw. p. 386.

following winter; he actually entered the palace of Holyrood-houſe, through a ſecret paſſage, accompanied with a ſmall band of deſperate followers, attempted to force his way into the apartments of the king, queen, and chancellor; and would have ſucceeded, had not ſome favourable accidents given a little time to prepare for reſiſtance, and to obtain help from the city. But though diſappointed of his aim, himſelf, and far the greateſt part of his companions, covered by the darkneſs of the night, made their eſcape.

A. D 1592.

Bothwell now took refuge in the north, with his couſin the earl of Murray. This gave occaſion to James to require the attendance of Murray at court, that he might detach him from Bothwell, and reconcile him to Huntley, who was then with the king. But Huntley having obtained a royal warrant, to bring to juſtice the accomplices and reſetters of Bothwell, did, by virtue of it, attack Murray, as he was in his way towards the court, in his mother's houſe at Dunibriſtle, and obliging him to abandon the houſe by ſetting it on

Feb. 7.

fire, cruelly put him to death. The murder of a popular young nobleman, ſon of the regent Murray, and the remiſſneſs that appeared in proſecuting the offender, excited very general diſcontents. The nobles in particular of the name of Stewart were exceedingly irritated againſt the chancellor; and Bothwell acquired a greater party of favourites at court than ever before. Theſe circumſtances encouraged him to a new attempt in the following ſummer.

Spotſw. p. 388.

Setting out from ſome of his lurking-places on the border, with about one hundred and twenty horſemen, conſiſting chiefly of banditti of thoſe parts, both Scots and Engliſh, and travelling two whole days and nights without

June 26.

either food or ſleep, he came to Falkland, where the king made again a very narrow eſcape from falling into his hands. Being diſappointed of the aid he expected from ſome of thoſe who were in the palace, and unable to contend

‡ Buccleugh, who had married Bothwell's daughter, was alſo openly of his party, although he is not mentioned in the king's proclamation, or in the aſſociation of the barons. He was ordered to leave the country, and obtained licence to go to France; but not long after, was allowed to return, by the interceſſion of James's queen, who was engaged to ſolicit for him by the old lady Farniherſt. Hudſon's Relation in Rymer, vol. xvi. p. 148.

* The relation of James Hudſon repreſents this ſtrongly; he ſays, "that while he was at the "Scottiſh court, both the king's table and queen's had like to have been unſerved by want; and "that the king had nothing he accounted certain to come into his purſe, but what he had from "the queen of England." Rymer, vol. xvi. p. 149.

with the militia of the neighbouring country, who aſſembled for the king's relief, he was obliged to retire; and notwithſtanding the ſmall numbers and exhauſted condition of his followers, himſelf, and almoſt all who were with him, made a ſafe retreat to the weſtern march, from whence moſt of them had come; over which their leader again retired into England. Soon after, the king made an expedition to Dumfries, and on promiſe of pardon, received the ſubmiſſion of many of the Johnſtons, and others, who had followed Bothwell. The intereſt which this deſperado had among the courtiers, and even with ſome of the king's minions, and the great facility of the king in pardoning ſuch offenders, encouraged many in the border counties to violate the king's proclamations, by correſponding with Bothwell, and even openly entertaining him. A great part of the inhabitants of Tiviotdale acting in this manner, the king made an expedition in October to Jedburgh, where he exacted fines from ſome of Bothwell's reſetters, and obliged them to give bonds for their more orderly behaviour.

James VI. K. of Scotland. 1592.

In the following year new troubles aroſe in Scotland, from the diſcoveries made by the ſeizure of the perſon and papers of Mr. George Ker, brother to the lord Newbottle. Ker was in the little iſle of Cumray at the mouth of Clyde, ready to embark for Spain, having a commiſſion and letters from the earls of Huntley, Angus, and Errol, and from certain jeſuits in Scotland, to ſolicit an army of Spaniards to be ſent over into Scotland, for invading England, and relieving the Scottiſh catholics from the thraldom and perſecutions under which they at preſent groaned. The apprehenſion of Ker was owing to the zeal and activity of the miniſter of Paiſley; and his brethren of the church entered with the greateſt warmth into the proſecution of the Popiſh lords and all their party. The king alſo made the ſtrongeſt declarations, in the beginning, of his reſolution to make them feel the utmoſt rigour of juſtice; and Graham of Fintry, one of their accomplices, was executed ſoon after the diſcovery; but this vigour was ſucceeded by a remiſſneſs that offended the church, the queen of England, and all zealous proteſtants, and that encouraged the preſent offenders, as well as other turbulent and ambitious perſons, to new plots and enterpriſes.

A. D. 1593. Spotſw. p. 390.

Cald. p. 281.

James, in the end of winter, made a ſhort expedition into the north; and the earls, upon his approach, retired to the mountains. According to the common, though very inſignificant, practice of thoſe times, he took the chief perſons of the country engaged, by ſubſcribing a ſolemn bond to concur with all their might in proſecuting the offending lords, with their accomplices and abettors; for carrying on which work, he gave commiſſions of lieutenancy to the earls of Athol and Marſhal. Upon returning to his capital, he found the lord Borough † ſent as ambaſſador extraordinary from the queen of England, on occaſion of the late diſcoveries. This lord was charged to demand of the

Camden.

† The family of Burghs, or Boroughs, of Gainſborough in Lincolnſhire, was ennobled by Richard III. The lord here mentioned, was the laſt that bore the title, having left behind him three daughters. He was governor of the Brill, and afterwards lord-lieutenant of Ireland. Dugdale.

king,

Elizabeth, Q. of England. 1593.

king, a particular account of the deſigns of the Spaniards againſt England, to requeſt him to aſſert his royal authority, by the execution of juſtice; that if this proved impracticable with regard to the perſons of the traitors, he ſhould confiſcate their eſtates; that he ſhould admit into his council men of approved integrity and good principles; that he ſhould with his own hand ratify to the queen his compliance with theſe requeſts, and thereby enable her to ſatisfy other princes in her alliance, of his ſincere attachment to the common cauſe; laſt of all, that he ſhould take care to preſerve peace on the borders. Upon theſe conditions, the queen promiſed her ready aid in all exigencies, and pretended ſhe had already taken meaſures to puniſh ſome of her ſubjects who had entertained Bothwell. James's anſwer to theſe particulars was, that he had already acquainted the queen, by Bowes her reſident ambaſſador, of all he had diſcovered concerning the correſpondence with Spain; that he had done what he could againſt his rebel ſubjects; that he was ready to proſecute their forfeiture in parliament; that, on their condemnation there, he would confiſcate their eſtates; that he would admit into his council perſons of ſuch characters as the queen recommended; and was ready to confirm all thoſe things by his hand-writing. That he would do the beſt he could to ſettle matters on the borders. But he added, that it was reaſonable the queen ſhould ſupply him with ſome money, both for reſiſting the Spaniards and his own rebels, whoſe power and intereſt was very great. He farther demanded, that the queen ſhould puniſh thoſe of her ſubjects who favoured Bothwell; and as the conduct of that man had been ſuch as to render him deteſtable to all princes, he demanded that, if he were found in England, he ſhould be delivered into his hands.

Soon after Borough's departure, Sir Robert Melvill was ſent to the court of England, to ſettle an aid of money for proſecuting the Popiſh lords, and alſo to have Bothwell delivered into his maſter's hands. That wild unſteady man had, for ſome time paſt, been an humble ſuppliant to the queen of England for her protection, and her intereſt with the king on his behalf; promiſing to ſerve him faithfully, and to root out the Spaniſh faction in Scotland. Theſe inſtances of Bothwell were ſeconded by ſome in Scotland, who perſuaded the queen that the king was too favourable to the Popiſh lords; upon which Melvill was told, that, agreeably to former treaties, the queen would either reſtore Bothwell or expel him from England: but as to the aid requeſted by the king, it was only ſtipulated by treaty to be given againſt foreign invaders. A ſmall ſum however was granted of the queen's good-will. But Bothwell, inſtead of ſuffering either impriſonment or exile, did, by the help of his friends, the Stewarts, make his way about this time to the king's preſence at Holyrood-houſe; and by the power and influence of the ſame faction ‡, the king

Camd. p. 604.

Spotſw. p. 394, 395. Calderwood.

‡ Bothwell and his friend Mr. John Colvill were introduced into the king's chamber by the counteſs of Athol. The king ſeems to have diſcovered more than ordinary ſpirit on this occaſion. Spotſwood relates, that they entered the preſence-chamber with drawn ſwords; and that when the king perceived them, "he cried aloud treaſon, treaſon: they, falling on their knees, adds the "prelate, called for mercy; nay, ſaid the king, you have diſhonoured me; and placing himſelf in "his chair, Strike, traitor, ſaith he, to Bothwell, and make an end of thy work, for I deſire not "to

king was obliged to promiſe a pardon to him and his accomplices, and to reſtore them to their poſſeſſions. He farther promiſed to debar from his preſence, the chancellor *, Glamis the treaſurer, the lord Home and Sir George Home, until a parliament, to be held in November, ſhould confirm his preſent conceſſions. James VI. K. of Scotland. 1593.

The king in a few weeks found means to emancipate himſelf from this ſlavery. Having called a convention at Stirling, on pretence of concerting meaſures for quieting diſorders in the Highlands and marches, he obtained the advice and concurrence of that aſſembly, for recalling the grant lately made to Bothwell, as being extorted, and for aſſerting his right as a free prince to require the attendance and ſervice of any of his ſubjects at his pleaſure. In conſequence of theſe reſolutions, the lord Home, the maſter of Glamis, and Sir George Home, returned to court on the laſt day of convention, as did, not long after, the chancellor of Maitland †. The king alſo, with the approbation of the ſame convention, ſent a meſſage to Bothwell, offering pardon to himſelf and his followers, upon his ſupplicating for it anew; the grant at Holyrood-houſe having been accompanied with ſuch circumſtances as made it of no validity. This offer, however, was made, on condition of the pardon being petitioned for within a fixed time, and of his afterwards abandoning Scotland, during the king's pleaſure. Bothwell conſented, but, enraged at hearing of the lord Home's return to court, he threatened to oblige the king to obſerve the agreement at Holyrood-houſe, and with that view appointed to join forces with Athol at Stirling; but the king being at Linlithgow, attended by ſeveral noblemen, Bothwell durſt not keep the appointment. Athol accompanied with Montroſe came to Stirling, but Bothwell not meeting him, he diſſembled his purpoſe, and retired towards Down. He was, however, cloſe purſued, by the company who were with the king; and lord Home, commanding the avant-guard, took Montroſe and ſome of his men priſoners, and uſed them roughly. Montroſe alſo diſſembling, and complaining as if he had been the party injured, was diſmiſſed; on promiſing to attend the council to anſwer for his conduct, when called. Bothwell was ſummoned to appear before the council, but refuſing to obey, was again denounced rebel ‡. Spotſwood.

To

" to live any longer. He proteſting with many oaths, that he came only to beg pardon, and to " put himſelf in his majeſties will; the king replied, That mercy extorted by violence, was not " mercy, and that it was not the form of ſupplicants to come with weapons in their hands." Spotſw. p. 394.

* Maitland, the chancellor, having offended the queen, had, by her influence concurring with the faction of his old enemies, been driven from the court, in the end of the preceding year. The king was about this time purpoſing to bring him back; and to oppoſe this reſtitution, Maitland's enemies brought Bothwell to court. Spotſw. ib.

† Lord Home, on his return to court, levied a guard of fifty horſemen, with which he guarded the entry to the king's chamber; and chancellor Maitland, on his return, was accompanied by Sir Robert Ker younger of Ceſsford, and his followers, to the number of two hundred men in arms. Moyſ. p. 211.

‡ This denunciation againſt Bothwell and his friends, the laird of Spot and Mr. John Colvill, was, according to Moyſes, made on December 11. On that very day, Sir Robert Ker travelling

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1593. Spotſw. p. 397. Oct. 12.

To bring to order Farniherſt, Hunthill, and others of Bothwell's friends, the king made an expedition to Jedburgh, accompanied by lord Home and Ceſsford, who probably ſerved the more zealouſly againſt Bothwell, from their hopes of having a ſhare of his ſpoils. When the king came to Fala in his journey ſouthwards, the Popiſh lords, Huntley, Angus, and Errol, threw themſelves at his feet, ſupplicating pardon. In conſequence of the king's remiſſneſs, and the intereſt of their friends, the proſecution of theſe lords had been very ineffectually carried on. In a parliament held in ſummer, they eſcaped forfeiture by ſome defect in the libel that was framed againſt them. They had ſince that time been in ſecret correſpondence with the king; and it was believed to be with his privity, that they came now to him at Fala. The lord Home, who was a Papiſt, was alſo ſuſpected to be an inſtrument of introducing them. The king required them to attend at Perth, on a day which he fixed for their trial there. The eſtabliſhed clergy, extremely jealous of an ill meaning in theſe tranſactions, met in great numbers at Edinburgh, and being joined by ſeveral barons who profeſſed zeal in the matter of religion, did not wait the king's return from the border, but ſent a deputation to him at Jedburgh, remonſtrating againſt the indulgence ſhewn to the Popiſh lords, and the nearneſs of the day appointed for their trial; and at the ſame time declaring their fixed purpoſe, to appear as their proſecutors, before the tribunal which was to judge them. They complained alſo of lord Home's entertainment at court. The king was much diſpleaſed both with the convention itſelf, and the addreſs that they ſent. He gratified them however by delaying the trial of the earls, and vindicated his keeping Home at court, as that lord was in a courſe of inſtruction, in order to his converſion from Popery *, which it was hoped would in a ſhort time certainly take place. Soon after, a convention of eſtates, held at Linlithgow, reſolved on a new method of proceeding, with regard to Huntley, Bothwell, and Errol. They empowered a committee of their number to receive propoſals from theſe lords, and to determine concerning them; but the award of this committee, by which the lords were to keep their eſtates, upon their leaving the country within a limited time, was exclaimed againſt by the church, and by all whom either zeal or faction made of their party, as betraying the cauſe of religion, and repugnant to repeated declarations made by the king.

Rym. vol. xvi. p. 219.

It is probable, that the attention and zeal of proteſtants with regard to religion, and their jealouſies of deſertion from it, or plots againſt it, were much quickened, by the reconciliation of Henry IV. of France to the church of Rome, which happened in the preceding ſummer. This event gave much grief and vexation to Elizabeth; but the war in which ſhe was embarked

homewards, met with the earl of Bothwell on the high-way near Humbie. Each of them was attended by a ſervant, and the maſters and their ſervants engaging, two and two, on horſeback, a tedious combat was fought, in which, Ceſsford's ſervant was hurt on the cheek. Both parties being wearied with fighting, agreed to ſeparate, for that time; and Ceſsford returning to Edinburgh, carried the news to the king of this odd rencounter. Moyſ. p. 221.

* On the 22d of December, lord Home ſubſcribed the Confeſſion of Faith of the Church of Scotland, before the Preſbytery of Edinburgh. Cald. p. 303.

with

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with the king of Spain, the common and very potent adverſary of Henry and herſelf, did ſtill preſerve a cloſe union betwixt them. It was alſo of the utmoſt conſequence to Elizabeth's ſafety, to ſhut againſt the ambitious Spaniard the door of Scotland; through which, the weakneſs and unſteadineſs of James, and the bigotry and ambition of ſome of his great men, gave hopes of entering England with many advantages. For obviating this danger, Bowes, her reſiding ambaſſador at the Scottiſh court, as well as other agents employed by her, appear to have dealt, at the ſame time, with the king, with the malecontents in church and ſtate, with Bothwell, and even with the Popiſh lords themſelves *. As the friends however on whom ſhe chiefly depended, were the church and thoſe attached to it, of whom alſo the numbers and ſtrength of the nation conſiſted, ſhe found it proper to join this powerful party, in complaining of the lenity ſhewn to the Popiſh lords. For this purpoſe, ſhe ſent lord Zouche as her ambaſſador extraordinary, in the beginning of the following year; who was inſtructed to remonſtrate againſt the act lately made, as being inconſiſtent with the king's repeated promiſes of coming to no terms with the Popiſh lords, without the queen's advice and conſent. He was alſo charged, in caſe of the king's ſhewing a purpoſe to favour and ſupport the Popiſh lords, and conſequently to embrace the offers made him by Spain, to declare that the queen was reſolved to employ her utmoſt power to oppoſe the landing of any foreign forces in Scotland, as ſhe could not interpret ſuch landing to be made with any other view than to invade her own kingdom. Zouche was alſo commiſſioned to treat ſecretly with the lords and gentlemen who were in the intereſts of the eſtabliſhed religion, he was charged to aſſure them of the queen's reſolution to oppoſe the landing of foreign forces in Scotland, and of her intention to aſſemble forces on her own frontiers, to be ready on any ſuch emergency. He was to conſult with them, about the proper means of withſtanding and humbling the adverſe party, and to promiſe them the queen's countenance and aid in this work. He was alſo to get information of any perſons of note reſiding near the march of England, who were friendly to the cauſe; that the Engliſh officers on the other ſide might have proper inſtructions, whom to truſt and to favour, on every occaſion.

A. D. 1594. Rym. vol. xvi. p. 225. 229.

The remonſtrances of Zouche, together with the obſtinacy of the Popiſh lords themſelves, in not accepting the offered conditions, before the time

* Theſe dealings are evident from various original papers, publiſhed in Rymer, and particularly from the inſtructions given by Bowes to George Nicholſon, who was ſent by this ambaſſador in October, to the court of England. It appears from theſe inſtructions, that Bowes, who was long treaſurer to the garriſon at Berwick, had reſided more than four years at the Scottiſh court, a ſervice of which he was thoroughly tired, and which had been highly detrimental to his affairs, but from which the queen would not conſent to recal him; nor would ſhe even ſuffer him to make a ſhort viſit to England, though he earneſtly deſired it. He had, in the courſe of his treaſurerſhip, fallen conſiderably in arrear to the queen; and the captains of Berwick had alſo demands upon him, the ſatisfying of which, required his preſence in England, where his funds were ſufficient, could he have had the opportunity of managing them. In the ſame paper, Bowes takes notice that ſundry of lord Home's ſervants, it was thought, with their maſter's privity, had ſought to intercept his letters and packets, and had aſſaulted and hurt ſome ſcout-watchmen at Berwick. He deſires to be inſtructed, whether he ſhould overlook this behaviour, as he had done hitherto, or if he ſhould complain of it to the king, and aſk redreſs. Rymer, vol. xvi. p. 222.

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limited by theſe terms expired; led the king, with the conſent of his eſtates, to reſolve that they ſhould be brought to a trial. In order to this, they were required to ſurrender themſelves priſoners in certain caſtles; but the influence of the Jeſuits who directed them, and their hopes of foreign aid, made them perſiſt in deſpiſing the king's authority. Still no vigour or expedition was uſed to ſubdue them, notwithſtanding the inſtances and complaints of the Engliſh ambaſſador, which were delivered in a manner ſo imperious and menacing as gave great offence to James. The ambaſſador, in purſuance of the inſtructions given him, in dealing with the anti-court party, ſecretly encouraged Bothwell to make a new attempt to effect a change at court, in the forcible method that had been ſo long in faſhion, and had ſo often ſucceeded in this feeble monarchy. The king having been advertiſed of an intended enterpriſe of this nature, had commanded the well affected chieftains of the borders, to aſſemble a body of forces, in order to oppoſe Bothwell, at his firſt entrance into the kingdom. Such a body, conſiſting of a thouſand men, was actually aſſembled at Kelſo, under the command of lord Home, and of the lairds of Ceſsford and Buccleugh; but there being no appearance of Bothwell's arrival, theſe forces left the town and diſperſed. Immediately after, Bothwell arrived from England with four hundred horſe well armed; and was ſoon joined by lord Ochiltree with a hundred more. From Kelſo, Bothwell marched next day to Dalkeith, and thence in the night to Leith, where he arrived very early in the morning of the day following. On the ſame morning, lord Home came to Edinburgh, with about a hundred and fifty horſe. The king, having, in an harangue, addreſſed to the citizens of Edinburgh, in their principal church, warned them of their hazard of being plundered by the banditti of the borders, who followed Bothwell, and promiſed to them to proſecute the Popiſh lords with the utmoſt rigour, prevailed with them to follow him againſt the incorrigible rebel, who was braving him at ſo ſmall a diſtance. Bothwell informed of the king's approach, and diſappointed in his expectation of being joined at Leith by the forces of Athol and others, from Fife, reſolved on a retreat by the way he came. But ſome of lord Home's horſe, who were employed in obſerving the motions of the rebels, approached ſo near as to provoke an attack from Bothwell. Home's ſmall troop was immediately broken; and flying towards the king, who was with the citizens of Edinburgh and Cannon in the Burrow-Moor*, was vigorouſly purſued by Bothwell and part of his company; and in the purſuit, a few of the fugitives were wounded and taken priſoners. The purſuit ceaſed by Bothwell's falling from his horſe, and receiving a bruiſe in his fall. He retired however unmoleſted to Dalkeith, where he paſſed the night, and next day marched to Kelſo, where having ſpent the night following, his forces ſeparated,

Rym vol. xvi. p. 232.

Moyſ. p. 225. Caldw. p. 298. Spotſwood.

April 1.

* The accounts given of the king's behaviour on this occaſion by Spotſwood and Calderwood, are quite oppoſite. According to the former, the king being adviſed, upon the flight of Home's horſe, to retire to the town, declared his purpoſe, not to quit the field to a traitor; but the latter ſays, that the king came riding into Edinburgh at full gallop.

and

and he and they retired to England *, or to ſome of their wonted ſkulking-places in its neighbourhood. James VI. K. of Scotland.

A few days after, Zouche the Engliſh ambaſſador departed; and the king was ſo much offended by his haughty behaviour, in the courſe of his negociation, and by the detection of his correſponding with Bothwell, that he did not vouchſafe him a farewell. Soon after, he ſent ambaſſadors to Elizabeth, to complain of the behaviour of Zouche, and of the protection given to Bothwell †, and at the ſame time to aſſure the queen of their maſter's purpoſe to proſecute the Popiſh lords, and to requeſt an aid of money to be employed in raiſing forces for that ſervice. Elizabeth, beſides her habitual parſimony, had an invincible dread, that the king and his hungry courtiers would ſwallow up and waſte her money, inſtead of applying it to the ends for which it was beſtowed. On this head, the Scottiſh ambaſſadors could obtain nothing but excuſes and delays, or promiſes ſo general as to bind to nothing. It was eaſier to gratify the king with regard to Bothwell; and for this purpoſe, a proclamation was made through all the Engliſh borders, forbidding any perſon to receive or entertain him. 1594 Spotſwood. Camden.

The excommunication iſſued by the general aſſembly of the church that met in May, againſt the Popiſh lords ‡, and the preſſing remonſtrances of that aſſembly to the king, againſt ſhewing them any farther indulgence, were followed, in the ſame month, by their condemnation and forfeiture in parlia- May 7. Spotſwood. Calderwood.

* The king complained to Zouche, that the queen had allowed Bothwell to be harboured in one of her own houſes near the march, *viz.* Norham. Rym. vol. xvi. p. 232.

A paper without a date, containing certain matters, which Henry Lock, an agent between the court of England and Bothwell, was to declare to the latter, in name of the Engliſh queen, blames his needleſsly wandering from place to place in the border counties of her realm, ſo openly as to give king James cauſe to complain of a breach of treaties, and particularly his coming to Berwick, Carliſle, and other frontier places, in ſuch ſort as none of the queen's own ſubjects ought to do, without her commiſſion, &c. Rym. ib. p. 257, 258.

† Theſe ambaſſadors were, the lord Colvill and Mr. Edward Bruce. Spotſw. Toby Matthew, at preſent dean, afterwards biſhop of Durham, writing to lord Burleigh, April 9, ſays, that the diſappointment of Bothwell's enterpriſe much rejoiced the Papiſts. He adds, "I pray God "the king's proteſtations be not too well believed, who is a deeper diſſembler by all men's judgment "that know him beſt, than is thought poſſible for his years." He ſubjoins immediately, "They "talk much in Scotland, of the weak proviſions in Berwick, eſpecially of powder; and ſtick not "to take notice how little there was between Trent and Tweed, at that time the Spaniards were "laſt upon the coaſt." Strype, vol. iv. p. 201.

In the ſame letter, Matthew mentions one Aſhby who was then with him, and who having undergone an examination before the council of Scotland, was aſked, Whether he knew what money the earl (Bothwell) received from the dean (Matthew)? This Matthew mentions as a proof of the king's good intelligence in the court of England.

‡ This aſſembly, not content with lord Home's behaviour ſince the renunciation he made of Popery in the end of the former year, obliged him to renew it in their preſence, in the moſt ſolemn manner. They alſo obliged him, as a proof of his ſincerity, to ſwear and ſubſcribe ſeveral articles of their dictating. Some of theſe were, "to entertain in his houſe Mr. Archibald Oſwald, as his "ordinary paſtor, or ſome other, by advice of the preſbytery of Dunbar; to repair ruinous kirks, "and provide ſufficient ſtipends for miniſters within his bounds; not to reaſon, or ſuffer reaſoning, "againſt the true religion, or any point thereof." The preſbytery of Edinburgh, upon receiving information from any other preſbytery, that they (the other preſbytery) had found Home guilty of contravening any of the articles, now ſubſcribed by him, were commiſſioned by the aſſembly, to excommunicate him ſummarily. Calderw. p. 303, 304.

ment.

Elizabeth, Q. of England. 1594. ment. The ſummer, however, was chiefly taken up, in preparations for a magnificent baptiſm of prince Henry, who was born in the preceding winter. In the mean time, Bothwell deprived of protection from England, entered into a league with the Popiſh lords; and undertook, by raiſing diſturbances in the borders, to hinder the king from carrying his arms againſt them. But his loſing the countenance and aid of Elizabeth almoſt annihilated his influence there. In the end of autumn, the earl of Argyle, a youth of eighteen years of age, by commiſſion from the king, led an army of Highlanders againſt the Oct. 3. Popiſh lords; and coming to an engagement with them, near Glenlivit, was defeated, although much ſuperior to his adverſaries in numbers. But the victory coſt the rebels ſo dear, that they were in no condition to take the field againſt the king, who, with a ſmall band of hired ſoldiers, marched into their country, ſoon after Argyle's defeat *. The king, having demoliſhed ſome of their houſes, returned ſouthwards; leaving the duke of Lennox to manage what remained to be done. Huntley, who had married Lennox's ſiſter, and alſo Errol, offered to leave the kingdom, and to find ſecurity that they ſhould not return without the king's permiſſion, nor during their abſence practiſe againſt the church or ſtate. Theſe conditions being accepted, Huntley and Errol went over to France. A grant was made by the king of the forfeited eſtates of Huntley, Errol, and Angus, to the duke of Lennox, who allowed the ladies of the two former, to receive the rents formerly paid to their huſbands. Angus ſkulked in his own country, and his chamberlains were allowed to receive his rents.

In the fall of theſe lords, the ruin of Bothwell was involved, and againſt him the king's reſentment was implacable. His brother, having been betrayed by Colvill †, who had been one of Bothwell's chief agents and confidents, was publickly executed. Bothwell himſelf, having firſt paſſed to Caithneſs, did thence make his eſcape into France. He afterwards went to Spain and Moyſes, p. 238. thence to Naples; where he died, after having lived ſeveral years in poverty and contempt. His forfeited eſtate was divided between Buccleugh, Ceſsford, and lord Home. Buccleugh got the lordſhip of Crichton, Ceſsford the abbey of Kelſo, and lord Home that of Coldingham; and theſe ſeveral eſtates became the real property of the perſons to whom the grants of them were made.

The great ſucceſſes of Henry IV. which followed with rapidity his reconciliation to the church of Rome; and the open aid long given by the king A. D. 1595. of Spain to his enemies, prompted him to make, in the beginning of this year, an open declaration of a war againſt Spain. But as the beſt and moſt uſeful ally both of Henry and the States, was queen Elizabeth, whoſe naval power, often exerted under brave commanders in Europe and the Weſt Indies, was Philip's greateſt annoyance, it was the chief wiſh of this ambitious monarch, effectually to humble the Engliſh queen, and, if poſſible, to make a conqueſt of her kingdom. For this purpoſe, he ſtirred up, by his money and agents, a

* The earl of Morton was appointed lieutenant in the ſouth parts, until the king's return; it being apprehended that Bothwell would make ſome new attempt. Calderw. p. 306.

† Colvill, had during ſome part of the late troubles, reſided at Tweedmouth. Spotſw.

rebellion

rebellion in Ireland, which produced much trouble and expence to Elizabeth; he alſo made vaſt preparations for a new expedition to England; for repelling which, Elizabeth armed great numbers of her ſubjects, to guard her coaſts; and fitted out two fleets, one for the defence of the Britiſh ſeas, and another under Hawkins and Drake *, againſt the Spaniſh dominions in America. James VI. K. of Scotland. 1595.

By the expulſion of Bothwell, quiet was reſtored, on the eaſtern part of the marches, between the kingdoms; but the weſtern part continued in great diſquiet, from the feuds between the Johnſtons and Maxwells, which aroſe to an extreme height, after the lord Maxwell was killed in December 1593, in a conflict with the laird of Johnſton at Lockerby. Nor was the king, even after being freed from the diſtreſs given him by Bothwell and the Popiſh lords, able to compoſe theſe ſtrifes, or to prevent another encounter this year, between the exaſperated clans; in which ſeveral were killed, and the Maxwells were again the loſers. The queen of Scotland, having caught, as it would ſeem, the ſpirit of the nation, formed a plot for taking her ſon out of the hands of his tutor the earl of Mar; for accompliſhing which purpoſe, ſhe entered into a concert with the chancellor, Glamis, Ceſsford, and Buccleugh. The king, having in time diſcovered the project, took effectual meaſures to prevent its execution; and the aſperity with which, on this occaſion, he reprehended his chancellor, is ſaid to have haſtened the death of that miniſter, which was no ſmall loſs to the king and kingdom †. Moyſes, p. 239. Spotſwood.

The fame of the vaſt preparations in Spain, for ſending forth a new Armada againſt England, daily increaſing, the king of Scotland began the following year, by emitting a proclamation, to warn his ſubjects of the impending hazard, which he repreſented as equally threatening *their* religion and liberties with *thoſe* of England. He called upon them to renounce their barbarous *private enmities*; which ſo much diſgraced and weakened his kingdom. In particular, he charged the inhabitants of the borders, under the higheſt A. D. 1596. Rym. vol. xvi. p. 286. Camden.

* In this expedition Drake died 28th of January 1596.

† Chancellor Maitland entered into this project, from his emulation of the power and credit of the earl of Mar. He died on the 3d of October at Lauder, and is ſaid to have wiſhed, when on his death-bed, that he had built an hoſpital, when he built his caſtle of Lauder. Calderw. p. 310.

James regretted the death of this miniſter very much, and wrote in honour of his memory a copy of verſes, which, as Dr. Robertſon obſerves, 'when compared with the compoſitions of that age, are far from being inelegant.' I have ſubjoined them for the reader's peruſal.

Thou paſſenger that ſpies with gazing eyes
This trophy ſad, of death's triumphant dart,
Conſider when this outward tombe thou ſees,
How rare a man leaves here his earthly part.
His wiſdom and his uprightneſſe of heart,
His pietie, his practiſe of our ſtate,
His quick engine ſo verſt in every art,
As equally not all were in debate.
Thus juſtly hath his death brought forth of late,
An heavy grief in prince and ſubjects all,
That virtue, love, and vice, do bear at hate,
Though vitious men rejoices at his fall.
So for himſelf moſt happy doth he die,
Though for his prince it moſt unhappy be.

penalties,

Elizabeth, Q. of England. 1596.

penalties, to desist from all hostile attempts against England; to which, he affirmed, they were excited by the emissaries and money of Spain, as they had formerly been on the like occasions. He required them to cultivate friendship with their neighbours, with the utmost care; and the wardens and officers to punish wrongs done to the English with the same rigour, as those committed against his own subjects. In return for this expression of friendship, the queen of England issued orders of the same kind.

Burleigh's Diary in Murdin.

Spotsw. p. 413. &c.

These pacific dispositions of the sovereigns were not sufficient to hinder a great outrage, that was soon after committed in the west borders of England. The laird of Buccleugh being keeper of Liddisdale, his deputy had held a meeting for ordering affairs of the borders, with the deputy of lord Scroope, who was warden on the other side. It was an ancient law of the marches, that the truce which was proclaimed at the opening of any of these meetings, should continue until the next day at sun-rising. But in violation of this law, William Armstrong, a noted thief, who had been at the meeting with the Scottish deputy, was, on his return from it towards the usual place of his residence, pursued and taken by the English, and carried a prisoner to the castle of Carlisle. Buccleugh, having complained in vain of this violence, to the English warden lord Scroope, and to Bowes, the English ambassador at the Scottish court, did at last engage the king to demand the restitution of the prisoner at the English court; but nothing being obtained in return but excuses and delays, he entered the castle of Carlisle by a bold assault in the night, and carried off Armstrong in triumph to Scotland. This produced heavy complaints from the queen of England, and urgent demands of redress; while James and his nobles endeavoured to protect Buccleugh, and to justify his conduct, as being sufficiently warranted by the transgression on the part of the English. At last, to gratify Elizabeth, it was found necessary to commit Buccleugh a prisoner in St. Andrew's; and afterwards to send him into England, where he did not continue long.

April 13.

Moyf. p. 244. Spotswood.

The union of Elizabeth with Henry IV. of France, which was still more closely cemented in the beginning of this summer by an offensive and defensive league concluded between these princes against Spain, the successful expedition of the English against Cadiz, and the destruction by a storm of a Spanish fleet bound for Ireland; these circumstances and events co-operated to the increase of the glory and power of England, and to make Spain less formidable. The Popish lords in Scotland, disappointed of their hopes of foreign aid, became more tractable; and Huntley and Errol being permitted to return home, the king, with the consent of his estates, offered to restore these lords, together with Angus, to their lands and honours, on condition, that all of them should abjure Popery, and satisfy the church. This was much retarded by the opposition of the clergy; over which, the king did at last prevail; and being now freed from any apprehension of disturbance in the northern parts of his dominions, he was in a better condition to take measures for restoring quiet on the marches towards England; which became daily more and more necessary, from the frequent mutual incursions that had been made

made on the weſtern border, ever ſince the enterpriſe of Buccleugh againſt Carliſle.

James VI. K. of Scotland. 1596.

For quieting theſe diſturbances and redreſſing injuries, recourſe was had to the accuſtomed method of appointing commiſſioners of both nations, to meet nigh the ſcene of the diſorders that had been committed. This appointment of commiſſioners was made before the end of 1596; and the place of their meeting was Carliſle *. They had in charge to *hear*, *determine*, and *redreſs* all attempts and wrongs committed in either realm, ſince the laſt meeting of commiſſioners at Berwick in February 1587 †; and alſo, to give due anſwer and redreſs to ſuch bills, as the ſaid commiſſioners had ordered to be anſwered and ſatisfied, but in which ſatisfaction was not yet made ‡. This was a work that employed the preſent commiſſioners for ſeveral months, while the good effects and happy iſſue of it were retarded, and in hazard of being defeated, by the outrages committed in the mean time on the eaſt and middle marches. The acts of violence perpetrated by the Scots, were the more intolerable to the queen of England, becauſe one of the ringleaders in them was Buccleugh; for whoſe enterpriſe at Carliſle ſhe had not yet received ſatisfaction. The banditti alſo in Sir Robert Ker's diſtrict, were led or encouraged by him, to frequent depredations on the eaſt marches; where the diſorders aroſe to a greater height, from ſome particular quarrels between him and Sir Robert Carey, lord Hunſdon's fourth ſon, who had lately ſucceeded Sir John Selby as deputy-warden of the eaſt-marches, and was a perſon of no leſs high and bold a ſpirit than Ker §. Elizabeth was ſo much incenſed by the accounts received from her wardens of the exceſſes committed by the Scottiſh marauders, that,

Rym. vol. xvi, p. 307. Nicholſon's Border-Laws, p. 103, &c.

Border-Laws, p. 112. Art. 26.

Rym. vol. xvi. p. 312. Carey's Mem. p. 118, &c.

* The date of the Engliſh commiſſion is October 2, 1596. In the Scottiſh commiſſion the year is only mentioned. Theſe commiſſions are annexed to the treaties in the Border-laws. The Engliſh commiſſioners were, Toby (Matthew) biſhop of Durham, Sir William Bowes, Francis Slingſby eſq; and Clement Colmer, LL. D. The Scottiſh were, Peter (Rollock) biſhop of Dunkeld, Sir George Home of Wedderburne, Andrew Ker of Fawdonſide, and maſter George Young, archdeacon of St. Andrew's.

† In Border-laws, the laſt meeting of commiſſioners is ſaid to have been in 1587. This is a miſtake; the laſt meeting was at Berwick in 1588. Above, p. 671.

‡ In an account of Scottiſh affairs, ſent from Robert Bowes the Engliſh ambaſſador at the Scottiſh court, by George Nicholſon, to lord Burleigh in the end of 1596, mention is made of an inroad that had been lately made into Scotland by Mr. Henry Wodrington, in which he had ſpoiled the town of Cavers, belonging to Douglas, ſheriff of Tiviotdale. King James ſent the laird of Polwarth and Mr. Gideon Murray to inform Bowes of this, and to require redreſs of it before the commiſſioners met: upon which Bowes wrote to lord Eure, deſiring him to do ſpeedy juſtice for this outrage, upon redreſs being made of the like injuries done to the people within his wardenry. But Bowes adds, that theſe matters would probably lie over until the meeting of commiſſioners. Rym. vol. xvi. p. 307.

§ Sir Robert Carey received at the ſame time, by reſignation from his father, the keeping of Norham caſtle, for which 140 *l.* was paid out of the revenues of the biſhoprick of Durham. But of this, Sir Robert paid to his brother John marſhal of Berwick 100 *l per ann.* all the time that John held that office, which was probably until the death of the queen. Soon after, Sir Robert received the entire charge of the eaſtern march, upon the death of his father in 1596, though without either the commiſſion or pay of warden for the greateſt part of two years. His neceſſities drove him at laſt to repair in perſon to the queen's preſence, and fortunately he found her ſo gracious, as to order him 500 *l.* in payment for his paſt ſervices, and to give him a commiſſion for the wardenry of the eaſt-march. Carey's Mem. p. 135, &c.

Elizabeth, Q. of England. 1596. when the commiſſioners at Carliſle were on the point of ſubſcribing their treaty, ſhe ordered Sir William Bowes, one of theſe commiſſioners on her ſide, to repair to the Scottiſh king, to remonſtrate, in the ſtrongeſt terms, againſt the injuries done by his ſubjects. Bowes was ordered to carry with him an abſtract in writing, of the exceſſes lately committed by the Scots; to aſſure the king, in name of his miſtreſs, that the remote ſituation of her borderers from her eye and preſence, did not at all leſſen her care of their preſervation; and that, in compaſſion for their ſufferings, ſhe was reſolved to ſend ſuch forces as would be ſufficient to repreſs the inſolence of the banditti who annoyed them.

A. D. 1597. Notwithſtanding theſe diſturbances, the commiſſioners proceeded in their buſineſs, of ordering complaints brought before them, from all the marches of both kingdoms; and being led by the diſcuſſion of theſe complaints, to a diſcovery of the cauſes from whence they proceeded, they agreed on ſeveral articles, by which former good orders were enforced, and new regulations made, for redreſſing paſt, and preventing future wrongs. Such regulations had become extremely neceſſary, from the lawleſs and diſobedient diſpoſition of the greateſt part of the inhabitants of the marches, emboldened by the long negligence or connivance of officers; in conſequence whereof, many places of both borders were reduced to a ſtate of deſolation.

May 5. Border-Laws, p. 103, &c.

Art. 1. The firſt article of this treaty does honour to the character of the prelates of the church, one of whom ſtood firſt in the liſt of commiſſioners from each nation. In this article, it was reſolved, that the ſovereigns of each kingdom ſhould be addreſſed, to order the ſettlement of miniſters at every border-church, for the ſake of reforming and civilizing the inhabitants, by their ſalutary inſtructions and diſcipline; and that for this purpoſe the decayed churches ſhould be repaired; and that for the ſafety of the perſons of their paſtors, and due reſpect to be paid them in the diſcharge of their offices, the principal inhabitants of

Art. 2. each pariſh ſhould give ſecurity to their prince. It was in the next place agreed, to requeſt the ſovereigns on either ſide, to eſtabliſh a council in every march, conſiſting of the perſons of beſt character reſiding within its bounds, who ſhould hold meetings twice a year, in order to concert meaſures for preventing ſuch enormities and miſchiefs, as had of late abounded in the borders. The time and place of theſe meetings was to be appointed by the commiſſioners of each kingdom: and in a ſubſequent article, it was agreed, that theſe

Art. 7. councils ſhould at their ſeveral meetings, after diligent inquiry and trial, make up liſts of all notorious thieves and robbers within their ſeveral wardenries; copies of which liſts, they ſhould deliver to the wardens, who, upon the firſt treſpaſs that any offender thus enrolled ſhould thereafter be duly convicted of committing, ſhould immediately put that offender to death; or in caſe he were fugitive, ſhould cauſe him to be proclaimed ſuch, according to the cuſtom of the marches, and his houſe to be immediately demoliſhed and deſtroyed.

Art. 3, 4, 5. The time for the wardens ſhewing annually their commiſſions to each other, and for reciprocally giving and receiving their oaths faithfully to adminiſter juſtice, agreeably to former treaties, was now more preciſely fixed, to a day of *Trewes*, to be holden, within four days after Mid-ſummer. By the oaths juſt mentioned, every warden was particularly to engage to *ſpeir*, *file*, and *deliver*,

deliver, upon his honour, for the wrongs committed by any within his diſtrict, againſt the inhabitants of the oppoſite realm, within fifteen days after being required to do ſo by his oppoſite warden; if the number of perſons concerned in the enterpriſe exceeded five, and provided requiſition were made within forty-eight hours after committing the attempt. And if any warden, of whom ſuch requiſition was made within that time, ſhould delay his return longer than fifteen days *, he himſelf ſhould, in puniſhment of his neglect of duty, be obliged to redreſs the wrong charged †. In caſes of ſlaughter, beſides the former treaty made thereupon ſtanding in full effect and force, it was now ordained, That the wardens ſhould for the future do juſtice within fifteen days after being required by their oppoſites, under the penalty of 10*l.* ſterling, to be paid to the party grieved, by the warden in default, for every month during his delay of juſtice. For the ſame purpoſe of ſpeedy execution of juſtice, it was ordained, That any warden, having concern with two oppoſite marches, in caſe of denial of juſtice by either of his oppoſite officers, ſhould nevertheleſs proceed in juſtice with the other, leaving the refuſer, to be called to account for his conduct, by his own ſovereign.

James VI. K. of Scotland. 1597.

Art. 9.

Art. 10.

The conſequence of wardens or keepers ‡ riding in perſon, or directing others to ride, in hoſtile manner within the oppoſite realm, being found dangerous to the peace between the nations; ſuch incurſions were now forbidden under the higheſt penalty, unleſs where the officer ſhould be warranted by a ſpecial command, under the hand and ſeal of his prince. Thoſe who accompanied or obeyed him, if not thus warranted, were declared to be cut off from redreſs of all wrongs done them, before the time of ſuch unlawful inroads; while the parties aggrieved by them ſhould obtain ſatisfaction, according to the laws of the marches.

Art. 6.

Inſtead of the hoſtile methods of proceeding which were thus reſtrained, divers new regulations were made, in order to cut off the ſources of ever-returning miſchiefs, and to excite the diligence and ſtrengthen the hands of the wardens. The mortal quarrels or deadly feeds, which the friends of any villain maintained againſt thoſe of the oppoſite realm, who had killed him, or proſecuted him to death, in however juſt a manner, were the cauſes of great and continual diſorders. With regard to all ſuch feeds, either then

Art. 8.

* The return was to be made by the warden's writing in the margin of every bill, that was either ſuſtained or rejected (filed or cleared) by them, *foul* or *clear as I am verily perſuaded upon my conſcience and honour*; and where more offences than one were charged in any bill, the defendant was not to be conſidered as found guilty (filed) of more of them than ſhould be particularly mentioned in the margin. It was alſo declared, that all interlineations in ſuch bills ſhould be of no effect, unleſs made with the privity and conſent of the commiſſioners or wardens by whom they were tried; to aſcertain which, the principal complaint ſhould at the time of delivery be produced, as well as the order made upon it.

Art. 5.

Art. 22.

Art. 23.

† In caſes alſo where the warden delivered his own officer, as a pledge for making good the penalty of any bill ſuſtained before him, and afterwards, as was uſual, borrowed him back from the oppoſite warden on his word; it was ordered, that, if in the mean time, the offender himſelf ſhould die, the warden ſhould pay the ſum due from him to the purſuer; and ſeek his relief as he beſt might, upon the heirs and executors of the deceaſed.

Art. 11.

‡ The mention of *keeper*, probably relates to Buccleugh's office of keeper of Liddiſdale, and his aſſault on the caſtle of Carliſle. Above, p. 688.

Elizabeth, Q. of England. 1597.

ſubſiſting, or that ſhould afterwards ariſe, upon notification made to the warden, to whoſe diſtrict the perſon bearing feed belonged, that warden was ordained to apprehend him, and oblige him either to renounce the feed by writing under his hand; or if he refuſed, to deliver him to the oppoſite warden, to be detained until he ſhould make the renunciation required, and find ſecuriry to that effect, to the content of the purſuer. In the ſame view of preventing revenges, it was ordained, If any man for the future, ſhould offend another in word or deed, for filing any bill againſt him, he ſhould, beſides ſuffering puniſhment, according to the quality of his offence, be debarred for ever from back-billing againſt the avower. And in order to hinder fraudulent delays in the practice of back-billing, which were intended to diſappoint the avower of the proofs he might be able, at the time of giving his evidence, to produce for verifying his word; it was ordained, that thoſe who back-billed againſt any avower, ſhould do it at or within the interval of forty days after filing of the bill, or otherwiſe be cut off for ever from that remedy; and, that an opportunity might not be wanting of doing this, every warden ſhould be bound to hold warden-courts for diſpatch of juſtice, within twenty days after being required by the party, under the pain of paying himſelf the damages incurred by the bill being ſuſtained *. To diminiſh as much as poſſible the number of offenders, the wardens were appointed to take care that no perſons known to be idle, and unemployed in any honeſt ſervice or trade, ſhould be entertained by the *broken borderers*, (ita) or ſuffered to lodge in border-villages or alehouſes; but ſhould certify all who ſuffered them to remain on their grounds, that they ſhould equally be liable to proſecution for thefts committed by ſuch vagrants, as if they themſelves had been the reſetters of the goods ſtolen. And farther to repreſs and intimidate the entertainers and leaders of theſe banditti, it was ordered, that *cauſing* or *commanding*, being charged in any bills of complaint, ſhould be no leſs criminal than *poſſeſſing*, *ſtealing*, and *reſetting*. In caſes of forcible and violent theft, and of violent reſiſtance to thoſe engaged in the hot and freſh purſuit of thieves; or of ſecret ſtealing, accompanied with bodily hurt of men, women, or children; it was ordered, that, beſides the uſual redreſs of the goods ſtolen, any one of the offenders whom the complainant ſhould chuſe, ſhould be delivered to the oppoſite warden, to be puniſhed at his diſcretion, according to the quality of the offence.

Art. 17, 18.

Art. 13.

Art. 19.

Art. 12.

* Theſe articles are given very nearly in the words of the original. The practice of *back-billing* and the term *avower*, do not occur in former treaties; nor is their meaning clear here. In general, the *avower* ſeems to be an evidence or witneſs produced by the complainant, in ſupport of his bill; and by back-billing againſt the avower, are we not to underſtand, giving in a bill or complaint againſt the witneſs of the plaintiff? When the complainant had an avower and made uſe of him in proſecuting his bill, it appears by Art. 25, that he had a title to claim *double and ſawſey*, that is, as ſeems evident from former treaties, the principal and two doubles. Compare p. 81. 112. with pages 80. 95. 101. in the Border-Laws.

An old poet quoted by Dugdale in his account of the ancient race of the lords Willoughbys of Ereſby, calls St. George his only avower. Dugdale's Peerage, vol. ii. p. 86.

Now holy St. George mine only avower.

To

To prevent malicious and falſe accuſations, it was ordained, that if any perſon ſhould maliciouſly and without cauſe procure the arreſtment of another to a day of trewes, the warden, on diſcovering it, ſhould order the party ſo moleſted to be ſatisfied for his loſs and expences. And for the better prevention as well as conviction of this diſorder, it was appointed, that the plaintiff ſhould take his oath, that he was perſuaded he had juſt cauſe to proſecute his bill againſt the perſon whom he hath procured to be arreſted; alſo in ſwearing of bills themſelves, in time to come, it was ordained, that every man ſhould ſwear his own bill, or otherwiſe have no delivery for it *; to hinder alſo the moleſtations to which honeſt people were expoſed, by the neighbourhood and intercourſe of ſo many thieves, it was ordained, that, in caſe any perſon poſſeſſed *bona fide* ſtolen goods, not knowing them to be ſuch; and were not ſued for them within year and day, the goods ſhould ever after remain with him as his rightful property. But if within that ſpace, he ſhould be ſued for the ſame, he ſhould be obliged to make ſufficient proof of his innocency, and ſhould name a reſponſible dealer †, of whom he had received the goods. But it was alſo declared, that this regulation ſhould not excuſe any perſons privy to theft, or that were anyways *hiders*, *concealers*, or *keepers up* of ſtolen goods; but that all ſuch offenders ſhould be puniſhed, according to ancient laws and cuſtoms.

Art. 14. Art. 16. Art. 15.

It was not unuſual for a borderer of one nation to be bound for one of the other, and ſuch bondſmen had often the ſums to pay for which they became engaged. In ſuch caſes, the perſon for whom the ſecurity was given, or if he died, his heirs, executors, or aſſigns, were to be adjudged by the wardens to repair the ſum to the ſurety, or in caſe he died, to his heirs, executors, or aſſigns, in the bond: provided always, their intention ‡ and claim were proved either by a ſufficient bond in writing, or by a lawful vower § of the oppoſite nation, agreeably to cuſtom and treaties. It was alſo agreed in general, with regard to actions of debt, that unleſs both parties, or at leaſt the party defendant, were inhabitants within the march, thoſe actions ſhould not be tried before the warden, but before the ordinary judges; in which caſe the Engliſh march ſhould be underſtood to extend from Newcaſtle and Penrith; and the Scotch from Edinburgh and Dumfries, excluſively.

Art. 20, 21.

The remaining articles of this treaty, were chiefly deſigned to carry into ſpeedy and effectual execution the reſolutions and orders of the preſent commiſſioners. The wardens on each ſide were ordered, before the laſt day of June, to make up liſts, as complete as poſſible, of fugitives from juſtice who were ſheltered in the oppoſite march; which liſts they were to ſubſcribe, and to tranſmit to the wardens on the other ſide, together with a requiſition for apprehending and delivering thoſe fugitives, agreeably to treaties. This the oppoſite warden was to perform with the utmoſt ſecrecy and diligence. And if he could

Art. 24, 25.

* This is ſaid in the treaty to be for *eſchewing of perjury*.
† In the printed copy it is *debtor*, by miſtake.
‡ *Intention*, ſo printed, perhaps intereſt.
§ So in printed copy. Is not vower the ſame with avower?

not

Elizabeth, Q. of England. 1597.

not apprehend them, he was to declare, and cauſe them to be declared, fugitives throughout his own and the other marches; he was alſo to demoliſh their houſes or ſhiells, and not to ſuffer them, for the future, to be reſetted in his march, under pain of being reputed an entertainer of enemies to the public peace between the nations, and of being anſwerable to the party aggrieved for all the injuries committed by theſe fugitives. It was farther ordered, concerning complaints that were yet remaining unſettled, if there were any ſuch, that the wardens ſhould, before the 10th of June, interchange their rolls with their oppoſites; and that within eight days after, theſe wardens or deputies, meeting at the uſual places, ſhould return them to their oppoſites, either ſuſtained or rejected upon their honour, under penalty of paying themſelves the damages charged in the bills left undecided. But this manner of proceeding was to be ſo underſtood, as not to preclude the complainant from uſing an avower, if he had any, and thereby claiming double and ſawſey *.

For the better aſſurance of delivery and redreſs of all bills ſuſtained by the commiſſioners during the preſent negociation, as well as of thoſe ſuſtained by the laſt commiſſioners in 1588, but not yet ſatisfied; and for preſerving quiet
Art. 26. on the border until full delivery was made for both; it was ordered, that out of every ſirname of thieviſh clans, on either ſide, and in proportion to the numbers of theſe clans, two or more, to be choſen and named by the oppoſite officer, ſhould be delivered to the ſaid officer, as pledges for ſatisfying the bills
Art. 27. ſuſtained againſt themſelves, and the reſt of their ſirname. But where the border-men, and others againſt whom the bills were ſuſtained, were not of any known clan, then the wardens were each of them to enter a gentleman, to remain with the oppoſite warden until full ſatisfaction ſhould be made for ſuch
Art. 28. bills as he was entered for. Theſe deliverances or entries were to be made
Art. 29. betwixt the date of the preſent treaty and the firſt of July next enſuing; and the princes, on either ſide, were to be addreſſed, to ſee this article put in execution.

Art. 30. The pledges, when entered, were to be kept at their own expence, by per-
Art. 31. ſons with whom they had no feed or variance. Their continuance in the oppoſite realm was to be no longer than until the bills for which they were
Art. 32, 33. pledges were duly ſatisfied and redreſſed. If any of them ſhould die while in the oppoſite realm, another of the clan, to be named by the oppoſite officer, was to enter in his place. Theſe pledges for the thieviſh clans were to procure the bills ſuſtained againſt their whole ſirname to be redreſſed within a year and day from the date of the preſent convention; and if this was not done, it ſhould be in the power of the prince, or of the officer with whom they remained, to put them to death; or to retain them, at pleaſure, until full
Art. 34, 35. ſatisfaction were made. And this obligation on theſe pledges, to procure, at their own peril, reparation from their friends, was to extend, not only to bills already ſuſtained, but to all ſuch as ſhould be ſuſtained, from the breaking up of the preſent meeting of commiſſioners, until the day mentioned above for

* See above, p. 692.

the

the liberty of the pledges. An exception was added with regard to ſlaughters; to the redreſs of which, it was declared, that this entry ſhould not extend any farther than the commiſſioners ſhould agree in the treaty thereupon. James VI. K. of Scotland. 1597.

Finally, it was declared to be agreed by the Engliſh commiſſioners, that, as the commiſſioners for Scotland had conſented both to begin and carry on the preſent treaty within England, the next treaty of commiſſioners ſhould hold within Scotland; unleſs the princes, or their commiſſioners then appointed, ſhould otherwiſe determine. Art. 36.

The articles of this treaty, that required the delivery of fugitive offenders and of pledges, the Engliſh wardens, according to the expreſs orders of their queen, were ready to fulfil: but, on the ſide of Scotland, Sir Robert Ker and the laird of Buccleugh were very reluctant and tardy in performing them. They contrived excuſes and reaſons of delay, which their powerful friends at the Scottiſh court uſed all their influence to ſupport; and the evident tendency of their conduct was to fruſtrate and diſappoint the effects of a negociation that had coſt ſo much time and pains. Queen Elizabeth informed of this indirect dealing, was very much provoked; and commanded Sir William Bowes, one of her commiſſioners, after joining with her reſident ambaſſador Robert Bowes in making proper remonſtrances to the king †, to leave his court, with notice of the queen's purpoſe to employ her own power, in redreſſing the inſults and wrongs received by herſelf and ſubjects. The ſpirit and reſentment expreſſed in theſe declarations, obliged the king to exert all his authority to bring to order the two headſtrong chieftains. He deſired the queen to impower her ambaſſador to fix a day for the mutual delivery of pledges, agreeably to the late treaty, and promiſed to deliver, on that day, either the pledges due on his ſide, or the wardens by whoſe fault that delivery ſhould fail of being made ‡. Rym. vol. xvi. p. 318. Rym. ib. p. 322.

In fulfilment of this promiſe, Buccleugh and Sir Robert Ker, having failed in delivering their pledges, were obliged to enter themſelves priſoners at Berwick. Buccleugh entered firſt; and the pledges of his diſtrict being at length delivered, he was reſtored to his liberty, after having remained at Berwick three or four months *. Sir Robert Ker was delivered priſoner at Berwick by the lord Home; where he had the magnanimity to put himſelf under the guardianſhip of Sir Robert Carey, notwithſtanding the ſtrife and emulation that had long ſubſiſted between them in the execution of their reſpective offices. Spotſw. p. 448. Carey's Mem. p. 131, 132, 133, 134.

† Her letter to the Boweſes is prefaced with theſe angry words; (they are printed in Italics, between Elizabeth R. and the addreſs of the letter.) "I wonder how baſe-minded that king thinks "me, that with patience I can digeſt this diſhonourable——(Ita) Let him know therefore that "I will have ſatisfaction, or els—— (Ita)." Rym. vol. xvi. p. 318.

‡ James, in the month of October, made an expedition in perſon to Dumfries, in order to ſuppreſs the inſolence of the banditti in that neighbourhood. Several of them were apprehended and hanged; and the chiefs of thirty-ſeven clans were obliged to enter as pledges ſome of the moſt noted malefactors of their ſeveral tribes. Moyſ. p. 255.

* Spotſwood ſays, that he entered in October, and continued till February. Carey ſeems to ſay, that he remained a priſoner only a few days; but Carey is very inaccurate in his accounts of time. Buccleugh had choſen for his guardian Sir William Selby maſter of the ordnance at Berwick. Carey, p. 131.

Elizabeth, Q. of England. A. D. 1598.

But Ker's knowledge of the bravery of his antagoniſt, of which, during the intercourſe between them, he had received many proofs, determined him to give Carey this mark of confidence and regard; and it was returned with ſo generous an hoſpitality on Carey's part, as converted their paſt enmity into a ſincere and laſting friendſhip. Sir Robert Ker, not being able ſoon to effectuate the delivery of his pledges, and on that account having been ordered to be carried priſoner to York, was conducted thither by Carey, and intruſted to the charge of the archbiſhop. He was ſoon after liberated by the entry of his pledges, and returned to his charge of the wardenſhip of the eaſtern march †.

Strype, vol. iv. p. 321.

March 16.

The oppoſite march, on the ſide of England, continued but a very ſhort time after under the charge of Sir Robert Carey. Peregrine Bertie lord Willoughby, a nobleman who had born high commands and acquired great military fame in the wars of France and Flanders, being appointed governor of Berwick, was, at the ſame time, agreeably to the rule obſerved ſince the beginning of Elizabeth's reign, made warden of the eaſtern march ‡. Upon this revolution Carey returned to court, but was not long there, until he was appointed warden of the middle march, in room of lord Eure; who being diſtreſſed by the diſorders that prevailed in the country under his inſpection, ariſing chiefly from his being ill ſerved by his officers, did very willingly reſign his charge. Carey taking up his reſidence in Alnwick-abbey, and joining to his paſt experience in border-affairs, an uncommon degree of addreſs, induſtry, and reſolution, ſoon brought many offenders to the puniſhment they deſerved, and reſtored quiet and ſecurity to the country. His friend Sir Robert Ker, who had the charge of the Scottiſh eaſtern march, concurred with him cheerfully and effectually in all meaſures for bringing malefactors to juſtice, and preſerving peace between the kingdoms; as did alſo Farniherſt, who had the charge of the eaſtern part of the middle march. A tribe of banditti, originally Scots, who had ſettled in the wildeſt tracts on the weſtern border *,

Carey's Mem. p. 140.

Ib. p. 146.

Carey, p. 154—163.

† Sir Robert Ker was in the year following, chiefly by the intereſt of Sir George Hume, advanced to the council-board. His promotion and favour with the king was very offenſive to the queen of England, who had not forgotten Ker's paſt behaviour. Letter of Sir W. Bowes, in Rym. p. 378.

‡ Peregrine Bertie lord Willoughby was the ſon of the fourth wife of Charles Brandon duke of Suffolk. This lady was ſole daughter and heir to William lord Willoughby of Ereſby, and had no children to the duke of Suffolk: but being married again to Richard Bertie, a gentleman of Kent, ſhe bore to him ſeveral children; of which Peregrine was the eldeſt ſon, and heir of the honours which his mother derived from her father. His parents were exiles in Mary's reign for religion; the dutcheſs being a zealous Proteſtant; and Peregrine being born during their exile, was called by a name expreſſive of this circumſtance. Dugd. vol. i. p. 408. Johnſon deſcribes lord Willoughby thus in Rer. Brit. Hiſt. p. 329. *Juvenis genere nobilis, manu promptus, ardorem animi vultu oculiſque præferens.* His extraordinary valour in a fight in Flanders July 15 (it is not ſaid what year) is celebrated in an old ſong publiſhed in Reliques of Ancient Poetry, vol. ii. p. 217. The publiſher there refers for his character to Naunton's Fragmenta Regalia.

* Theſe banditti were chiefly of the name of Armſtrong. They burnt and plundered the town of Hartweſell (ſo Carey ſpells it) i. e. Haltwhiſtle. His noble editor, miſled by the falſe ſpelling, and his own inattention to the circumſtances of the narrative, and geography of the country, takes it for Weſel; which is another falſe ſpelling, common in the maps of Northumberland, of Twiſel, a town and caſtle in the eaſtern march, ſituated near the conflux of the Till and Tweed. Carey's Mem. p. 150.

having

having committed grievous outrages on the adjacent parts of Carey's diſtrict, were given up by the king of Scotland, as an herd of outlaws, to be puniſhed by the Engliſh warden as their offences deſerved. For this purpoſe he encamped his forces in the neighbourhood of an impervious foreſt, whither they had retired for ſhelter; and having acquainted himſelf, as exactly as poſſible, with their ſituation, attacked the ſide towards England with his foot, while with his horſe, beforehand ſecretly ſent around, he guarded certain paſſages that led from the foreſt towards Scotland. And while the banditti were attempting to fly through the paſſages on that ſide, from the violent aſſault made upon them on the other, the Engliſh horſemen took ſome of the chief of them priſoners; and thereby Carey was enabled to make ſuch conditions with the reſt as fully ſecured the quiet of that part of the borders. He afterwards redreſſed an encroachment that the neighbouring Scottiſh gentlemen had for ſome years paſt made on certain parts of his province, by hunting in it for deer, without the allowance of the Engliſh warden; which formerly, at times when the nations were at peace, uſed to be aſked by the Scots, and readily granted on their requeſt. The ſervants of theſe hunters did alſo, under protection of their maſters, cut wood in the Engliſh foreſts, and carry it off into Scotland. Carey having in vain warned Farniherſt to abſtain from this encroachment, ordered his deputies, at the head of a ſufficient body of horſe, to ſet upon the hunters, and break the carts that were employed in carrying away the wood. Theſe orders were executed with proper ſpirit, and with as little hurt as poſſible to the perſons attacked. Several of the Scottiſh gentlemen being taken priſoners, were carried to Widdrington-caſtle, where Carey did then reſide; who, after entertaining them with much hoſpitality, and receiving their promiſe never to hunt again in his province, without his permiſſion, allowed them to return to their own country. They afterwards always obtained from him liberty of hunting, when they aſked it; and Carey himſelf often joined them in the ſport. The king of Scotland made ſome noiſe about theſe proceedings; but was pacified by Elizabeth's puniſhing her deputy-wardens by a ſhort impriſonment.

James VI. K. of Scotland. 1598.

Carey, p. 165—170.

The events in Scotland or England, during the remainder of queen Elizabeth's life, have ſmall relation to the borders. The peace of France, after a long ſeries of waſting wars, domeſtic and foreign, was reſtored by the treaty concluded at Vervins between the French and Spaniſh monarchs. Henry importuned Elizabeth to be a party in this peace; and Burleigh, her aged miniſter, ſupported Henry's advice, by the wiſeſt reaſons: but the martial and impetuous ſpirit of her favourite Eſſex, prevailed for the continuance of the war with Spain. Soon after, Burleigh, worn out with years, and the weight of affairs, finiſhed his days; and was in a ſhort time followed by Philip II. king of Spain; whoſe power, ambition, malignity to England, and ſuperſtitious attachment to Rome, had afforded continual exerciſe to the abilities and ſpirit of Burleigh and his miſtreſs.

May 2. Camden.

Aug. 14.

Sept. 13.

The continuance of the war between England and Spain, was accompanied with the continuance of the rebellion of Tyrone, and his accomplices, in Ireland; which, from year to year, grew more formidable. It preſented a tempt-

Elizabeth, Q. of England. 1598.

ing ſcene to the ambition of Eſſex. He ſolicited, and obtained, the chief command in that iſland; but this promotion, by the arts of his enemies left behind him at court, and his own temper, generous and brave, but unſubmitting to admonition or controul, wrought firſt his diſgrace, and not long after, his death. His precipitate return from Ireland, made place for Charles Blount lord Mountjoy; who ſucceeding him in the command there, and conducting the war for three ſucceſſive years with the greateſt wiſdom and courage, did, notwithſtanding very conſiderable aids of men and money ſent over to the rebels from Spain, reduce them to ſuch diſtreſs and utter weakneſs, that a few days before Elizabeth's death, their cunning and obſtinate leader Tyrone ſurrendered himſelf to the lord deputy; ſubmitting his life and eſtate to the queen's mercy †.

While theſe things were tranſacting in queen Elizabeth's dominions, the king of Scotland was chiefly employed in meaſures tending to introduce the epiſcopal form of government into the church of that kingdom ‡; and in contending with the zealous oppoſition that was made to this project by many of his clergy. By reſtoring the eſtate of the church to its ancient place and power in parliament, he ſought to augment his own influence in that court; and hoped alſo, by the help of prelates, deriving from his favour their elevation above the reſt of their brethren, to render his clergy more obſequious, and to put an end to thoſe rude attacks from the pulpit, and in judicatures, which had ſo often incenſed and diſturbed him.

A. D. 1599.

James was, at the ſame time, very attentive to the great object of ſecuring his ſucceſſion to the crown of England; for which purpoſe, beſides endeavouring to engage foreign princes in his intereſt, he was complaiſant to queen Elizabeth and her miniſters, correſponded ſecretly with all claſſes of men in England, employed authors, and wrote himſelf to juſtify his title, and to give favourable impreſſions of his character and government. Theſe endeavours, though in the main ſucceſsful, were thwarted by ſome unlucky incidents. Valentine Thomas, an infamous man, about to be tried for a robbery, pretended to diſcover a plot of the Scottiſh king againſt Elizabeth's life. Elizabeth affected to give no credit to the information; but delayed the trial and puniſhment of the criminal, that the accuſation might not be brought to the publick ear and afford to ill-diſpoſed minds matter of ſuſpicion and calumny. The queen's conduct, however, in this affair, was diſpleaſing to James; and produced from him reiterated complaints. He was likely to be hurt ſtill more by a diſcovery, which the maſter of Gray made to Elizabeth, of a letter written in a ſtrain of eſteem and friendſhip by James to the Pope. This appeared afterwards to be a fraud of Elphinſton his ſecretary; but the king had nothing for the preſent to oppoſe to the charge and remonſtrances on this ſubject by Sir Wil-

† In order to extinguiſh this war, the queen was, about a month before ſhe died, with the greateſt difficulty perſuaded to ſign a pardon to Tyrone; and her having done ſo, was believed to be a principal cauſe of that vexation of mind under which ſhe laboured during the laſt days of her life. Tyrone knew nothing of this pardon when he delivered himſelf to Mountjoy.

‡ The firſt conſiderable public ſtep made toward this, was in the parliament that ſate in December 1597, which enacted, that miniſters of the church, whom the king ſhould promote to the dignity of abbots or biſhops, ſhould have a voice in parliament. Acts of parliament. Spotſwood.

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liam Bowes, the Engliſh envoy, but the ſtrongeſt aſſeverations of his innocence. Bowes, who had been often before employed at the Scottiſh court, incurred, at this time, the king's diſpleaſure, by being ſuſpected of directing the ſeizure and conveyance to Berwick, of one Aſhfield, an Engliſhman †. This man, having become obnoxious to the laws of his own country, had the addreſs to impoſe on the Engliſh warden; from whom he obtained a licence to paſs into Scotland: and carrying with him ſome hunting horſes to James, he was well entertained at his court. Some perſons belonging to the Engliſh ambaſſador's train, decoyed Aſhfield to Leith; where, having made him drunk, they put him into a coach, and ſent him to Berwick. The king diſpatched a meſſenger to the governor of that place, demanding the reſtitution of his gueſt; but the governor refuſed to give him up, until he ſhould receive orders from his own court; which orders were never ſent.

James VI. K. of Scotland. 1599. Spotſw. Camd.

The conſpiracy of Gowry is one of the ſtrangeſt, and moſt myſterious events in all hiſtory; but the odd, unimaginable circumſtances with which it is related, are of no ſmall weight to prove that it was not a fiction. Yet the affection of the popular churchmen to Gowrie and his brother, and their frequent experience of the king's proneneſs to feign and diſſemble, when his political views ſeemed to require it, prompted them to expreſs their diſcredit of this plot, in a manner ſo public and groſs, as produced a new ſcene of troubleſome ſtrife between the king and them. In the beginning of the following year, the long, and hardly reſtrained reſentment of Eſſex, broke out in a wild effort to force his way into the queen's preſence, and ſcatter his enemies who ſurrounded her. As ſoon as James was informed of the diſappointment of this crude enterpriſe, he diſpatched the earl of Mar, and abbot of Kinloſs, with his congratulations to the queen: and although they were inſtructed to accompany their congratulations with complaints about Valentine Thomas and Aſhfield, yet they were well received by the queen; who made an addition at this time of 2000*l. per annum* to the king's penſion; and, which was of greater moment, theſe ambaſſadors are ſaid to have brought home to their maſter aſſurances, from almoſt all the Engliſh nobles, of their reſolution to ſupport his ſucceſſion to the throne of England.

A. D. 1600, Auguſt 5. A. D. 1601, Feb. 8. Spotſw. p. 463. Camd.

Mean while the ferocity of the borderers, when reſtrained from diſcharging itſelf upon their ancient enemies of the oppoſite nation, ceaſed not to break forth into cruel outrages againſt their neighbours at home. To repreſs theſe acts of violence, it was found neceſſary, in the very laſt parliaments of England and Scotland, that were held under different ſovereigns, to enforce the old, and frame new ſtatutes. The Scottiſh parliament ordained, that none of the nobility or barons, who were charged, agreeably to preceding acts of parliament, with the keeping of pledges given by border chieftains for their good behaviour, ſhould refuſe, on any pretence of danger or inconveniency, to receive theſe pledges; and, in caſe of their eſcape, a penalty of 2000*l.* Scots was impoſed on their keepers. The ſtatute of the Engliſh parliament was a longer one. It declared guilty of felony, and condemned to death and forfeiture,

Scot. Stat. 1600, c. ult. Eng. Stat. 1601, c. 13.

† Camden calls Aſhfield *turbidi ingenii hominem.*

Elizabeth, Q. of England. 1601.

all within the counties of Northumberland, Cumberland, Weſtmorland, or the biſhopric of Durham, who violently made priſoners the perſons of others, and extorted ranſoms from them; all ſpoilers and fire-raiſers, and all who, as the price of protection from ſuch outrages, exacted what was called *black-mail*, of whom were ſeveral men of name, who employed and ſupported the moſt notorious thieves and marauders in thoſe parts; and, finally, thoſe who agreed to pay this extortion. It alſo appearing that juſtice was brought into contempt, and that villains were hardened in their criminal courſes, by the licence commonly aſſumed by out-laws in thoſe counties, of appearing in the moſt public places of reſort, and converſing ſecurely with the inhabitants, it was enacted, that in time coming, when a ſentence of outlawry was pronounced by the proper judges, it ſhould be proclaimed at the ſheriff courts, and in the principal towns of the border-counties; and that the proclamation ſhould be from time to time renewed, until the offender delivered himſelf to juſtice: and all perſons having friendly intercourſe with the outlaws thus publiſhed, were to be puniſhed by ſix months impriſonment. The juſtices of aſſize, and other lawful judges in criminal matters, were authorized to execute this act; but a ſalvo was adjoined for preſerving inviolate the authority and juriſdiction of the lords wardens of the marches.

July.

Dugd. Baron. vol. i. p. 409.

Peregrine lord Willoughby having enjoyed ſomewhat more than three years the government of Berwick, ended his life at that place. After his death, the charge of the town and garriſon devolved to Sir John Carey, the late lord Hunſdon's ſecond ſon; as holding the place of marſhal, which was next in rank to that of governor. Carey was created warden of the eaſtern march; but it doth not appear, that the queen ever advanced him to the dignity of governor; though he continued to command the garriſon in quality of principal officer, during the remainder of the queen's life. He had acceſs to be well acquainted with the buſineſs of his charge, having been chamberlain to the garriſon during ſeveral of the laſt years of the life of his father, and acted ſome time under him as deputy governor. He appears alſo to have been deputy governor during the interval between his father's death and the entrance of lord Willoughby to the office of governor.

Berwick Guild Books, and Council Book of Garriſon.

A. D. 1602. A. D. 1603. Camd. Spotſw.

In the laſt winter of Elizabeth's life, when her health, which had formery been very vigorous, was ſuffering a viſible decline, James was ſolicited by ſome of his friends in England, and in particular by the earl of Northumberland *, who was then eſteemed the moſt powerful of the Engliſh nobles, to ſecure his ſucceſſion to Elizabeth's crown, by endeavouring to ſeize it while ſhe was yet alive, and before any other pretender appeared. It was much to the honour, and probably not leſs for the intereſt of James, that he rejected all ſuch counſels. He thanked Northumberland for his friendſhip and offers

* The preſent earl of Northumberland was Henry Percy, the eldeſt ſon and ſucceſſor of the earl of the ſame name, who died in the Tower in 1583. The preſent earl went on board the queen's fleet to oppoſe the Spaniſh Armada in 1588. He was, at the time of the queen's death, by his ſpirit, abilities, and intereſt, accounted the only man in England qualified to be the head of a party. He was thoroughly attached to James, and ſecretary Cecil carried on his correſpondence with this prince by his aid. Carte, from Beaumont's Letters, vol. iii. p. 698.

of ſervice, but diſapproved his dangerous advice, and deſired the earl to ſend him no more letters of that ſtrain. Soon after, the continuance of the queen's diſtreſs brought to a period her long and glorious life and reign; and her death opened the way to the peaceful ſucceſſion of James as the heir of her crown and dominions. James VI K. of Scotland. 1603 March 24.

The firſt information of queen Elizabeth's death, was brought to king James by Sir Robert Carey. This gentleman, after attending almoſt five years his wardenſhip of the middle march, made a viſit to the Engliſh court in the laſt winter of the queen's life. Perceiving her to be in a declining ſtate, he waited the iſſue; and when her death was evidently approaching, he formed the reſolution of being the firſt meſſenger of it to the king of Scotland, which purpoſe he made known to the king by a letter. He was prompted to make this offer of ſervice by the particular favour which James had ſhewn him, when employed at his court; and the certain proſpect of his office on the borders, which produced the principal part of his revenue *, coming to a period at the death of the queen, made it highly expedient for him to court the favour of her ſucceſſor by the moſt early demonſtration of attachment. Having therefore had the addreſs and good fortune to make his eſcape from the lords of the council of England, who did not intend to employ him as their meſſenger, he ſet out on the forenoon of the day on which the queen died, and, purſuing his journey with great ſpeed, arrived on the night of the following day at his houſe at Widdrington. He there gave proper directions to his deputies for preſerving the quiet of the marches, in which they found conſiderable difficulty †; and by his order, the king of Scotland was proclaimed next day king of England, at Widdrington, Morpeth, and Alnwick. On the ſame day, this proclamation was alſo made at Berwick ‡, in conſequence of intelligence ſent to Sir John Carey, marſhal of that place, by his brother Sir Robert; who having ſet early out on the morning of that day from Widdrington, came to Norham at noon. On his way between the places laſt named, he received a ſore wound in his head by a fall and a ſtroke from his horſe, which obliging him to move more ſlowly, he did not reach Edinburgh till the king had gone to bed. This circumſtance could make no ſtop to the admiſſion of the bearer of ſuch high tidings; and Carey was the firſt who ſaluted James king of his new acquired dominions. Carey's Mem. p. 170. 186. March 25.

* His office of warden, with the pay allowed him for forty horſe, amounted to more than 1000 *l. per ann.* Mem. p. 191.

† Carey relates afterwards, that the eaſt-border, on hearing of the queen's death, became very unruly, and that the diſtreſs he ſuffered by the wound in his head, hindering him from going in perſon to appeaſe thoſe diſorders, he employed his deputies in that ſervice, by whoſe care quiet was ſoon reſtored. Mem. p. 190.

‡ Beſides the account in Stowe, this is evident from the copy of a letter in the Berwick archives, ſent to the king from the mayor, aldermen, and commons, of that town, bearing date the 26th of March. It is full of high-flown expreſſions of duty and attachment to their new ſovereign; and informs him, that 'they had, with preſent expedition, and with what ſolemnity the leiſure of 'time would afford, publiſhed and proclaimed his ſacred majeſty king of England, France, and 'Ireland; and entreats him to pardon ſuch defects as by ignorance, omiſſion, or otherwiſe, by 'the ſhortneſs of time, had happened in the performance thereof.'

As

James I. K. of England. 1603. Stowe, p. 818.

As James was to enter England by the way of Berwick, he ſent on the ſecond day after Sir Robert Carey's arrival, the lord Abbot of Holyrood-houſe, to take poſſeſſion of that place, and to receive the allegiance of the governor and mayor*. Theſe officers cheerfully gave the required oaths, and delivered into the hands of James's meſſenger, the keys of the gates and mayor's ſtaff, which were immediately returned, and aſſurances given in the king's name, of the charters, privileges, and liberties of the town being preſerved inviolate. The alacrity and unanimity of the inhabitants and garriſon, in recogniſing the king's title, preſented an agreeable omen of the welcome reception awaiting him in his new kingdom. Sir Charles Percy, brother of the earl of Northumberland, and Thomas Somerſet ſon of the earl of Worceſter, were the meſſengers ſent by the Engliſh council to notify to James the death of the queen, and the proclamation of him as her ſucceſſor at London. And to entreat him to make no delay, in coming to take poſſeſſion of his right. The king, on receiving this meſſage, cauſed his new titles to be proclaimed at Edinburgh; and having, on the Sunday following, made a farewell ſpeech to his people, in the principal church of that city, he ſet out on the Tueſday towards England.

Spotſwood.

April 5.

The royal retinue conſiſted of about five hundred perſons on horſeback; the council of England having adviſed the king, for the ſake of avoiding diſturbances, to content himſelf with a moderate number of attendants. Of this number, thoſe of noble rank were, the duke of Lennox, the earls of Mar, Murray, and Argyle, and the lord Hume†. The king, on the firſt day of his journey, came to the houſe of the laſt named lord, at Dunglaſs, where he lodged, and was ſplendidly entertained. In his progreſs next day from Dunglaſs to Berwick, the cavalcade was joined by many of the kindred, name, and dependents of lord Hume. Many Engliſhmen alſo met him on the road, with their tributes of duty and congratulation. On his arrival at the Berwick boundary, he was received with every demonſtration of reverence and welcome by the marſhal Sir John Carey, accompanied by the officers of the garriſon, at the head of their ſeveral bands of horſe and foot. While theſe diſcharged vollies from their muſquets, the cannons thundered from the walls, and loud acclamations of joy were raiſed on all ſides.

Johnſt. Hiſt. Rer. Brit. p. 361, 362. Moyſ. Memoirs, p. 311, 312, 313.

As the king entered the gate, the keys of the town were delivered to him by William Selby, the gentleman porter; on whom the king conferred at that inſtant the honour of knight, and returned to him the keys. Proceeding to

* This meſſenger of the king did no doubt carry with him the king's anſwer to the town's letter or addreſs, of which anſwer a copy alſo remains in the town's archives. It is as follows. 'Truſty friends, we greet you heartily well. We render you thanks for your ſo dutiful affection, 'utterit in aſſiſting and concurring ſae willingly with your governour, in putting the town of Ber-'wick in our hands, which we have appointit to be governed in the ſame form and manner as hereto-'fore, while we adviſe otherwiſe to diſpoſe upon the ſame; aſſureing you always to finde us a gratious 'and loving prince, wha ſal be careful to maintaine your wonted liberties and privileges, and to 'ſee that the ſame be nae ways brangillit, nor otherwaies prejudget. Sua we commit you to 'God.' From Hallirude-houſe this 27th day of March, 1603.

To our truſty friends, the mayor and aldermen of our town of Berwick.

† Sir George Hume treaſurer, and Sir Robert Ker of Ceſsford, were alſo of this number.

the

the market-place, through the armed bands of the garriſon, he was there received by Hugh Gregſon the mayor, and his fellow-magiſtrates. The mayor preſented to him a purſe of gold and the town's charter, and Chriſtopher Parkinſon the recorder addreſſed him in a ſolemn congratulatory ſpeech; all which honours he received very graciouſly, reſtoring the charter, and aſſuring the town of his favour and protection. The king proceeded next to the church, to give public thanks to God for granting him a peaceful entrance into his new kingdom. Toby Matthews, biſhop of Durham *, was there to receive him; and preached on the occaſion an eloquent ſermon. From the church the king went to the palace, the cannons were again fired, bone-fires kindled, and the town reſounded with cordial and loud expreſſions of joy. James VI. K. of Scotland. 1603.

The king remained in Berwick all the following day; on which day, ſeveral nobles † from the ſouthern parts of England, arrived to offer their duty, in the view of eſtabliſhing themſelves, or preventing rivals, in the favour of their new monarch. Accompanied with theſe and the officers of the garriſon, he viſited the fortifications, port, and magazines; and, while the officers and ſoldiers of the garriſon were drawn up in martial array on the ramparts, he fired in their preſence one of the great guns planted there. The ſame day, intelligence was brought of certain grievous robberies and riots committed by a body of two or three hundred banditti of the weſt-marches, who had ſpread their ravages as far as Penrith. To repreſs theſe outrages, the king ſent from Berwick Sir William Selby, at the head of two hundred foot and fifty horſe of the garriſon. Henry Widdrington and William Fenwick were, at Selby's deſire, joined in commiſſion with him; and the king empowered them to require the aſſiſtance of all officers and fighting men both of the Engliſh and Scottiſh borders. By theſe means their forces were greatly increaſed in numbers, before they arrived at the place of their deſtination ‡. The plunderers, terrified by the approach of ſo formidable a body, abandoned their habitations, of which many were blown up and burnt. A few of the offenders were taken, and ſent to the caſtle of Carliſle, where they ſoon after ſuffered the juſt puniſhment of their crimes. Stowe, p. 819.

On the day following, the king having made a preſent to the officers and ſoldiers of the garriſon, and declared his grateful acceptance of the loyalty and affection of the inhabitants, ſet out from Berwick; and on his entering Northumberland, was received by Sir Nicholas Forreſter, ſheriff of that county. This was agreeable to a general order iſſued by the council of England, requiring the ſheriffs of all counties through which the king ſhould paſs, together with the juſtices of peace and gentlemen of theſe counties, to receive their ſovereign at his entering their county, and to accompany him in his progreſs through it. Forreſter, on the day the king left Berwick, conducted him as far as Widdrington, where he was nobly entertained by Sir Robert Strype's Mem. Eliz. vol. iv. p. 375.

* Johnſton in Rer. Brit. Hiſt. calls him *ſui temporis diſcretiſſimus*, p. 363.

† Among theſe, was Henry Howard, brother to the late duke of Norfolk, and the lord Cobham.

‡ Stowe ſays, that they marched along the borders with a thouſand horſe.

Carey,

James I. K. of England. 1603.

Carey, to whom he had begun to ſhew his gratitude, by admitting him while at Edinburgh, to be one of the gentlemen of his chamber.

The king proceeding by eaſy journies, and being from time to time ſtopt by the hoſpitality and fondneſs of his new ſubjects, ſpent a whole month in his journey from Berwick to London *. Ten days after his arrival in the capital, he iſſued a proclamation, requiring all thoſe guilty of *the foul and inſolent outrages*, lately committed on the borders, to ſubmit themſelves to his mercy before the 20th of June, under penalty of being excluded from it for ever. Two days after this proclamation, he emitted another, declaring his fixed reſolution to accompliſh the union of the two realms; in conſequence of which, the bounds poſſeſſed by the rebellious borderers ſhould no more be the *extremities* but the *middle*, and the inhabitants thereof reduced to a perfect obedience. He affirmed, that he had found in the hearts of his beſt diſpoſed ſubjects of both realms, a moſt earneſt deſire of this union; and too confidently undertook that, with the advice of the eſtates and parliaments of both kingdoms, he would make it be perfected. In the mean time, he declared, that he conſidered the two kingdoms *as preſently united*; and required his ſubjects to view them in the ſame light, and, in conſequence thereof, to abſtain from mutual outrages and injuries of whatever kind, under the penalty of his higheſt diſpleaſure, and of ſuffering the ſtricteſt rigours of juſtice.

May 17. Rym. vol. xvi. p. 504.

Rym. ib. p 506.

One of the chief diſtreſſes of the former part of James's life, had been the ferocity and outrages of the inhabitants of the marches; which, while only king of Scotland, he was often not able either to reſtrain, or to puniſh as they deſerved. His ſenſe of this inability, he plainly enough inſinuates in the laſt mentioned proclamation; and when now he had attained the power of taming that lawleſs race, he was reſolved to exert it effectually, and without delay. The union of the two crowns of England and Scotland in him as the lawful heir, with the ready and univerſal acknowledgment of his right by his Engliſh ſubjects, flattered his vanity extremely; and he was earneſtly deſirous of completing this glory, by effecting an entire coalition and indiſſoluble concord between the nations †. But he marred his project by purſuing it with too great haſte and keenneſs, and expreſſing too much confidence of its ſucceſs. His countrymen hurt it by their avidity of Engliſh wealth and honours, which was much encouraged by their maſter's unbounded liberality to his favourites, and his weakneſs in yielding to the importunate. The Engliſh, on the other hand, regarded every thing given to the Scots as ſtolen from themſelves; and, proud of their greatly ſuperior wealth and dominion, ſoon began to treat the king and his countrymen with inſolence and contempt. The Popiſh and puritanical parties alſo, to both of whom the king ſhewed an irreconcilable averſion, ever ſtrove to diſtreſs him and thwart all his deſigns. Theſe circum-

* James, in his ſpeech about the union, to his parliament, March 31, 1607, ſays, That he was received of the Engliſh with joy, and came as in a hunting journey. Parl. Hiſtory, v. 191.

† The *conceit* pleaſed him of turning the *extremities* of his kingdom into its *middle*, and, as he elſewhere expreſſeth it, of rendering the *middle part*, and as it were, *the heart* of his royal empire, the example and pattern of civility and obedience to all the reſt of it. MS. commiſſion to juſticiars on the Scotiſh marches in 1605.

ſtances,

ſtances, added to the remains of ancient rancour and prejudices, combined to diſappoint James's very laudable purpoſe of an union between his kingdoms. James VI. K. of Scotland. 1603.

Soon after his arrival at London, he gave a commiſſion to George Clifford earl of Cumberland, a nobleman who had acquired high military fame in the wars of the late queen; appointing him warden of the weſt and middle marches towards Scotland, with the moſt extenſive powers, and alſo lieutenant-general of the counties of Cumberland, Northumberland, and Weſtmorland, and of the town and county of Newcaſtle on Tyne*. With his office of warden was connected that of keeper of Tindal and Rideſdale in Northumberland, of the caſtle of Harbottle in Rideſdale, as well as of keeper, governor, or captain-general of the city and caſtle of Carliſle, and of the king's demeſne-lands, uſually poſſeſſed by the keepers of theſe caſtles. Power was given to him of appointing deputies and officers under him, and ſalaries were aſſigned both to him and them. This commiſſion of Cumberland did not extend to the eaſtern march, nor was Berwick ſubjected to his lieutenancy. Probably Sir John Carey's power in that town and the march adjacent, continued until the diſſolution of the Berwick garriſon, which was not effected till ſome months after. Rymer.

In the end of July, Alexander lord Hume, who had long enjoyed much of the king's favour, was appointed chief juſticiary, and lord lieutenant over the three marches of Scotland. As juſticiary, he had power to hold courts and to impoſe fines for non-attendance, or as penalties of offences; all which fines, and other forfeitures, he was empowered to levy for his own uſe, without making any account to the king. He was authoriſed to appoint all officers under him. In caſe of the flight, or forcible reſiſtance of offenders, he was empowered to raiſe and arm a ſufficient number of the king's ſubjects, to purſue the criminals, and to aſſault any houſe or place of ſtrength where they were harboured. With the advice of the perſons of chief rank in his diſtrict, he had power to eſtabliſh laws and regulations for the order and peace of the county, together with proper ſanctions to enforce them. He was alſo empowered to execute the laws for extinguiſhing deadly feuds. The ſalary annexed to this great office, was a thouſand merks ſterling *per ann.* which, for the better ſecurity of its payment, was *to be perceived, had and taken out of the king's exchequer of England*; and to ſhew that the profit of the nobleman was no leſs the object of this commiſſion, than the performance of the ſervice for which he received it, the king was pleaſed farther to grant, that in caſe the MS. council-book.

* It is probable, that this was the laſt commiſſion of warden of the marches. Cumberland's charge is defined as above in p. 669. 727. viz. to be the ſame as in the reign of Richard II. and in all the reigns downward from that. His juriſdiction, privileges, and profits, are declared to be the ſame with thoſe of John duke of Northumberland, Henry late marquis of Dorſet and duke of Suffolk, Henry earl of Cumberland, Thomas late lord Dacre, Henry late baron of Hunſdon, Henry late lord Scroope, Thomas now lord Scroope, Sir Robert Bowes, or Sir Robert Carey. His ſalary was 1200 merks, 600 for the weſt-march, 500 for the middle march, and 100 for the city and caſtle of Carliſle. His deputies and ſerjeants had the ſame allowance of wages as above p. 727. He was allowed pay for twenty horſemen to garriſon Carliſle, at the rate of 10 merks each, and for three turnkeys, one at each gate at 26 *s.* 8 *d.* each *per ann.* Rym. vol. xvi. p. 510. Probably the commiſſion of warden has been given him, as entitling him to the ſtated appointments of that office. No revenue is aſſigned to him as lord-lieutenant.

James I. K. of England. 1603.

commiſſion ſhould be revoked or made void, the lord Home ſhould poſſeſs the like ſum of 1000 merks, payable out of the Engliſh exchequer, until ſuch time as the king or his ſucceſſors ſhould beſtow upon him a gift or benefit of equal or ſuperior value. It is needleſs to mention the cenſures which ſuch a commiſſion and grant would incur, eſpecially from an Engliſhman.

The king, in purſuance of his favourite purpoſe of extinguiſhing all memory of paſt hoſtilities between his kingdoms, and, if poſſible, of the places that had been the principal ſcenes of theſe hoſtilities, prohibited the name of *borders* any longer to be uſed, ſubſtituting in its place that of the *middle ſhires*. He ordered all the places of ſtrength in theſe parts to be demoliſhed, except the habitations of noblemen and barons; their iron gates to be converted into plough-ſhares, and the inhabitants to betake themſelves to agriculture, and the other works of peace. In the ſame ſpirit he broke the garriſons of Berwick and Carliſle. The former of theſe was reduced at Chriſtmas of this year to a company of a hundred men; of whom William Bowyer was appointed captain.

Berwick Guild Book.

The acceſſion of James to the crown of England, and both kingdoms thus devolving on one ſovereign, was an event fruitful of bleſſings to each nation. The borders, which for many ages had been almoſt a conſtant ſcene of rapine and deſolation, enjoyed, from this happy æra, a quiet and order which they had never before experienced; and the iſland of Britain derived from the union of the two crowns, a tranquillity and ſecurity hitherto unknown, and was enabled to exert its whole native force. National prejudices, and a mutual reſentment, owing to a ſeries of wars betwixt the kingdoms, carried on for centuries, ſtill however ſubſiſted; and, as is above related, diſappointed James's favourite ſcheme of an entire and indiſſoluble union. From the ſame ſource alſo aroſe frequent diſputes and feuds upon the marches, which by the attention of the ſovereign were ſoon and eaſily compoſed; and are not of moment enough to merit a particular relation. But it required almoſt an hundred years, though England and Scotland were governed all the time by a ſucceſſion of the ſame princes, to wear off the jealouſies and prepoſſeſſions of the formerly hoſtile nations, and to work ſuch a change in their tempers and views, as to admit of an incorporating and an effectual union. This union at laſt took place, in the memorable year 1707; ſince which period Britain has enjoyed ſo much domeſtic felicity, and has been ſo much reſpected abroad, that every unprejudiced mind muſt be ſenſible of the unſpeakable advantages of this great event.

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Home, lord, warden of the east march, associates in the earl of Bothwell's rebellion, 677. Submits and is pardoned, 678. Returns to court, 681. Is defeated by the earl of Bothwell, 684. Is gratified out of Bothwell's forfeited estates, 686.

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Huntley, George Gordon earl of, defeats Sir Robert Bowes at Haddon-Rigg, 539. Challenges the duke of Somerset to single combat, 560. Is taken prisoner by Somerset, 561.

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John, count of Montaigne, ſucceeds to the crown of England on the death of Richard I. 109. Divorces his wife Aviſe of Glouceſter, to marry Iſabel of Engouleſme, the betrothed wife of Hugh count de la Marche, 113. Summons William king of Scotland to Lincoln, *ibid.* Murders his nephew Arthur duke of Britanny, 114. His quarrel with the pope, 115. Concludes a peace with William king of Scotland, 117. Is excommunicated, 119.

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Iſabel, daughter of Philip the Fair of France, is married to Edward II. of England, 234. Withdraws to France, and contracts an intimacy with Roger Mortimer, 280. Depoſes her huſband, 281.

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Killegrew, the Engliſh ambaſſador, acts as mediator between the earl of Morton regent, and queen Mary's party, 646.

Knox, John, the Scots reformer, is appointed itinerary preacher in the Engliſh marches, 577, *note.* Negociates with the Engliſh court in favour of the Scots reformers, 595.

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Lancaſter, John duke of, is commiſſioned to regulate the affairs of the borders, and to treat with the king of Scotland, 350. His negociations, 351. His palace of the Savoy burned, *ibid.* Invades Scotland, but ſpares Edinburgh, 353. His contract with the earl of Northumberland for the defence of the marches, 354. Is made duke of Bedford, 382. See *Bedford*.

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Langton, Stephen, is choſen archbiſhop of Canterbury by the influence of the pope, in oppoſition to king John, 116. Is admitted by the king, 121. Inſtigates the barons to claim the liberties granted by king Henry I. 122.

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Leith, is burned by the Engliſh under the duke of Somerſet, 561. The queen regent and her French forces beſieged there by lord Grey of Wilton, 600. Treaty for the ſurrender of, 604. A body of the queen's forces defeated there by the earl of Morton, 641.

Lelinghen, truce concluded there by England, France, and Scotland, 358.

Lennox, earl of, is defeated in an attempt to reſcue James V. from the power of the earl of Angus, 527. Is killed, *ibid.*

Lennox, Matthew the young earl of, is ſent over from France to Scotland to negociate a renewal of the treaties between thoſe kingdoms, 544. Is encouraged by cardinal Beaton with the hopes of illegitimating the earl of Arran, regent, 546. Marries the lady Mary Douglas, and concludes a treaty with Henry VIII. 549. Is invited home and reſtored to his eſtate on his ſon the lord Darnley's account, 616. Enters Scotland attended by an Engliſh army, 638. Is made regent of Scotland during the minority of his grandſon James VI. *ibid.* Surpriſes the caſtle of Dunbarton, 640. Is killed in the attack at Stirling, 642.

Lennox, Eſme Steward lord D'Aubigny, created earl of, 654. Contrives the ruin of the earl of Morton, 656. Is made a duke, 657. Is forced to retire to France where he dies, 658.

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—— 14. — 6. from foot, et ſeq. *for* Oita, *read* Octa.
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—— 67. line 14. *for* whom he had very thoroughly ſubdued, *r.* whom his father had very thoroughly ſubdued.
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